

No. 10450

**United States
Circuit Court of Appeals**

For the Ninth Circuit.

HARRY BRIDGES,

Appellant,

vs.

**I. F. WIXON, as District Director, Immigration
and Naturalization Service, Department of
Justice,**

Appellee.

Transcript of Record

VOLUME VII

Pages 2883 to 3343

**Upon Appeal from the District Court of the United States
for the Northern District of California,
Northern Division**

PETER J. INNES

called as a witness on behalf of the Government, having been first duly sworn, testified as follows:

Mr. Del Guercio: Do you want to talk to me?

Mr. Grossman: I asked if you had something to say to me.

Mr. Del Guercio: If I do I will tell you.

Presiding Inspector: Just a minute. Ask the witness to state his name.

Direct Examination

By Mr. Del Guercio:

Q. Please state your name?

A. Sergeant Peter J. Innes, of the U. S. Army.

Q. Where were you born?

A. In New York City.

Q. And of what country are you a citizen?

A. The United States.

Q. Mr. Innes, during the period of December, 1935, what was your occupation?

A. December 1935 I was a sailor.

Q. Were you a member of any union at that time?

A. No, sir.

Q. In December 1935?

A. No, sir; not until January of 1936.

Q. Do you recall the strike—I may not have the name of the strike correctly—but the strike of the rank and file [2151] seamen of the east coast about that time?

A. Yes, sir; that took place in March of 1936.

Q. And you were a member of that strike committee?

(Testimony of Peter J. Innes.)

A. I became a member of that strike committee on April 22, 1936.

Q. Do you recall a rally held in Madison Square Garden at that time?

A. That rally was held in the fall strike of 1936 and 1937. It was held on December 17, I believe it was; December 16, 1936.

Q. I had the wrong year. I meant to say 1936, instead of 1935. What was your occupation at that time?

A. In 1936, around December?

Q. Yes.

A. I was Pacific Coast representative of the Seamen's Defense Committee of the Atlantic and Gulf.

Q. And did you, in connection with that position — were you sent out to the West Coast?

A. I was sent out to the West Coast in July of 1936 from New York.

Q. And where did you go?

A. I arrived on the steamship President Taft in August, well, in August of 1936, in San Francisco, with credentials on the letterhead of the Seamen's Defense Committee, signed by Joseph Curran, the Chairman of the Committee, and Ralph Emerson, [2152] the Secretary, who was Secretary of the Committee. I reported to Earl King, the Secretary of the Marine Firemen, Oilers and Watertenders Union, of the Pacific, here in San Francisco.

Q. Who gave you instructions to contact Earl King?

(Testimony of Peter J. Innes.)

A. Before I left New York, when I got my credentials, I was given instructions to report to Earl King by Tommy Raye and Joseph Curran.

Q. Were you told to contact any other person or persons?

A. I was told that Earl King would introduce me to the proper people.

Q. Did you meet Earl King on the Pacific Coast?

A. I did.

Q. Where did you meet him?

A. In the Marine Firemen's Hall on Commercial Street, I believe it is, in San Francisco.

Q. Was there anyone present at that time?

A. Two or three people there, but I didn't know who they were.

Q. About when was this?

A. That was, if I am not mistaken, I believe it was August 22 when I arrived in San Francisco and I immediately reported to the Union hall in the afternoon of August 22nd.

Q. And did you tell Earl King—

A. (Interposing) Earl King had a copy of my credentials with my picture on it that had been sent out here from the [2153] Atlantic Coast.

Q. Did you tell Earl King of the instructions that had been given to you by Joe Curran and Tommy Raye?

Mr. Gladstein: May I suggest that it would be much better if, on direct examination, Mr. Del Guer-
cio asked the witness what took place, instead of ask-

(Testimony of Peter J. Innes.)

ing him some direct and leading and suggestive question?

Presiding Inspector: You shouldn't lead.

Mr. Del Guercio: If I do it is in the interest of time.

By Mr. Del Guercio:

Q. What conversation did you have with Earl King?

A. I reported to Earl King, in accordance with my instructions, and we left there, the Union hall, and went to some little hotel up town here, where the Maritime Firemen's agent from Portland, Ferguson, was staying.

From there we went to District Council No. 4 Meeting. After the meeting, after I had presented my credentials to the meeting and was seated as a fraternal delegate to District Council No. 4, when the meeting was over I was introduced to Harry Bridges, Mervin Rathborne, Jimmy O'Neill, Henry Schmidt, and several others that I don't exactly recall who they were.

Q. By whom were you introduced to Harry Bridges? A. By Earl King.

Q. And did you have any conversation with Harry Bridges at that time? [2154]

A. At that particular time, no; not until the next time.

Q. When did you next meet Harry Bridges?

A. I met Harry Bridges when he returned from some place upstate here. He came back by airplane from some place up state—not up state—from some place in the northwest, I believe, where he had

(Testimony of Peter J. Innes.)

delivered a speech, or something, up there. I don't recall.

Q. Where did that meeting take place?

A. That took place at the Ferry Building, on the Embarcadero, where the Negotiating Committees had been meeting in some hall, or office, down there.

Q. Who was present at that meeting?

A. Well, at that particular meeting the entire negotiating Committee of the combined unions, was present.

Q. Did you have any conversation with Bridges at that time?

A. Not in particular at that time; no, sir.

Q. When did you meet him the next time?

A. The next time I met him,—I met him practically every day as I was in and out of this office, at 112 Market Street.

Q. Did you have any conversations with him then?

A. I had several conversations with Bridges and Rathborne. As I was green to the labor game, my orders were to contact all the intercoastal ships here for the purpose of [2155] organizing the crews on them for the strike that was due to come in the fall. So I used to go to Bridges and Rathborne for instructions on how to exercise the proper technique. I found I couldn't get on the ships—

Q. (Interposing) We are not concerned with what you were doing, only in relation to Harry Bridges in this case.

A. Yes.

(Testimony of Peter J. Innes.)

Q. Had you any instructions at any time to secure the services of Harry Bridges to speak at the Madison Square Garden meeting?

A. Yes, sir.

Q. When did you receive those instructions?

A. I received those instructions in the first week in December; I believe it was December 3rd or 4th. I am not sure of the date. I received a telephone call from Jack Lawrenson, the Secretary of the Marine Strike Council in New York—

Q. (Interposing) Where were you when you received such instructions?

A. I was in San Pedro at the time in my office down there.

Q. What did Jack Lawrenson say?

A. He stated they had decided to hold a rally in Madison Square Garden.

Q. That who had decided to hold a rally there?

A. He didn't say who. He said "They" had decided to [2156] hold a rally in Madison Square Garden in New York and wanted me to contact Bridges to find out if he would come there.

I sent a teletype from San Pedro to Bridges' office at 112 Market Street. He wasn't in. Mervin Rathborne got the teletype. I stated they wanted to hold the rally on the 14th of December in Madison Square Garden and wanted to know whether Bridges could be present, and that I desired an immediate answer.

Q. Did you get an answer?

(Testimony of Peter J. Innes.)

A. I did not. So the next day I received another phone call and they wanted to know what the answer was. I said, "I didn't get an answer."

Q. Who did you receive the second phone call from?

A. Albert Rothbart.

Q. Where was he at the time?

A. In New York.

Q. Where were you?

A. I was in San Pedro. He said, "Well, you go to San Francisco and get the answer."

So I came to San Francisco and I went to Bridges' office. I asked if he was going to New York.

Q. You asked who? A. Bridges.

Q. Who was present?

A. Mervin Rathborne.

Q. You asked him in Mervin Rathborne's presence? [2157]

A. Yes.

Q. You asked him what?

A. What his answer was regarding going to New York.

Q. What was his answer?

A. He told me "No"; that he didn't want to get mixed up in the mess; that he had enough trouble with Lundeborg and a few others.

Q. Did he indicate if he would reconsider that?

A. No, sir; his answer was definite.

Q. What happened after that?

A. While we were there talking a telephone call came in for me—that is, the telephone rang and Rathborne answered the phone and said, "It is for

(Testimony of Peter J. Innes.)

you." That was speaking of me. It was in Rathborne's office that the call came through.

So I answered the phone and Bill McCuistion was on the other end of the wire. He said Tommy Raye was there and wanted to talk to Bridges; and that we were to go to an outside phone and call the number, a Watkins number—whatever it was—in New York.

Q. When Bridges said that he refused to appear as a speaker at the Madison Square Garden meeting did you convey that information to anyone?

A. Did I convey that to anyone?

Q. Yes. [2158]

A. No, sir.

Q. Did you go downstairs with Mr. Bridges?

A. Yes, sir.

Q. Where did you go?

A. I don't know whether it was in the same building, but it was in either one of those little cigar stores or a drug store.

Q. Just a minute. Did you tell Bridges that Tommy Raye wanted to speak to him?

A. "I went into his office and I said, 'New York called me and Tommy Raye wants to talk to you on the telephone. We are to go to an outside phone and call the number back.'"

Q. Proceed.

A. And we went to this pay station, in either a cigar store or a drug store—I don't recall exactly—and I called the number back. McCuistion answered the phone and he asked if Bridges was there. I told

(Testimony of Peter J. Innes.)

him, "Yes." He said, "Put him on. Tommy Raye wants to talk to him."

I couldn't hear the conversation, but I heard Bridges tell him "No." Then they conversed for four or five minutes and he hung up and says, "It looks like I got to go to New York."

Q. Did you subsequently go back east? —

A. Did I go back east?

Q. Yes.

A. Yes; I left San Pedro to go to the same rally. I [2159] arrived in New York on December 13, on a Sunday morning.

Presiding Inspector: I think we will stop here.

(Whereupon, at 12:30 P. M. a recess was taken until 2:00 P. M. of the same day.) [2160]

After Recess—2:00 o'Clock P. M.

Presiding Inspector: You may proceed.

PETER J. INNES

called as a witness on behalf of the Government, having been previously duly sworn, testified further as follows:

Direct Examination—(Resumed)

By Mr. Del Guercio:

Q. Now, Mr. Innes, I believe the last question was when you arrived—when did you arrive in New York after the conversation you testified to over the telephone in San Francisco?

(Testimony of Peter J. Innes.)

A. I arrived in New York on December 13, 1936.

Q. Do you know if Bridges arrived in New York after that?

A. He arrived Monday, December 14th.

Q. How did he arrive, do you know?

A. Sir?

Q. Do you know how he arrived?

A. He arrived by plane.

Q. Did you meet him at the plane?

A. I did.

Q. Who was with you?

A. In the car that I was in was Joseph Curran, and the boy driving the car was a kid by the name of Jo-Jo Curran.

Q. Was there anybody else present? [2161]

A. There were two other cars. In one of them there was a fellow by the name of Leeds, Krumbin, and Raye.

Q. Is that Tommy Raye?

A. That is right.

Q. And is that David Leeds?

A. I believe that was his first name.

Q. Did you see them?

A. They were in another car. In the third car was Albert Rothbart, and somebody else that I don't remember exactly.

Q. Did they also meet Bridges at the airport?

A. They didn't meet him personally; no.

Q. But they were there?

A. They were there.

Q. Did they get out of the car?

(Testimony of Peter J. Innes.)

A. No, sir; not to my knowledge.

Q. How got out of the cars?

A. Curran and myself, and we waited until the newspaper men had got through with Bridges. And I believe it was Mr. Merriweather was with him, of the MEBA.

Q. What happened after that?

A. Well, we left there and went to the Victoria Hotel.

Q. Who left?

A. That is, Bridges, Curran, myself and Merriweather.

Q. Did Bridges get into the car in which you had to [2162] drive?

A. Yes, sir, he went with us.

Q. What happened to the other two cars that were involved?

A. They arrived later. I don't know whether they followed us over or arrived later. We went directly to the Victoria Hotel where Bridges registered.

Q. On what day was this, if you know?

A. December the 14th, 1936.

Q. All right. Now, you went to the Victoria Hotel?

A. That is right.

Q. What happened there?

A. Well, after we got upstairs, why, the fellows that had gone to the airport, together with Hudson, came into Bridges room one at a time, where the program for the coastwide tour that he was to make was outlined.

(Testimony of Peter J. Innes.)

Q. Well, now, just a minute. Did Bridges register in the Victoria Hotel?

A. He registered at the Victoria Hotel.

Q. Did you all go to his room?

A. Yes, sir.

Q. Who were all in the room?

A. Well, before the meeting was over—

Q. (Interposing) Was there a meeting there?

A. Well, I would call it a meeting or a conclave or [2163] caucus, or whatever you want to call it. It was not a formal meeting. It was where the policy was outlined that he was to follow up and down the coast.

Q. Who was there in that room at that time?

A. There was Bridges, Roy Hudson, Tommy Raye, Al Lannon, Joe Curran, myself, and I am not positive whether Rothbart was there or not.

Q. All right. Do you know whether Roy Hudson was a member of the Communist Party at that time?

A. At that time Roy Hudson was in charge of the Marine Section of the Communist Party.

Q. Was he a member of the Communist Party?

A. Yes, sir.

Q. Was Tommy Raye a member of the Communist Party? A. Yes, sir.

Q. Now, was there anyone else present besides those three I have mentioned, besides Bridges and yourself?

A. Was anybody in that room?

Q. Yes, sir.

A. There was Hudson, Raye, Al Lannon.

(Testimony of Peter J. Innes.)

Q. Was Al Lannon a member of the Communist Party?

A. Al Lannon is a member of the Communist Party.

Q. And who else was there?

A. I am not sure whether Rothbart was there or not.

Q. Do you know if Rothbart was a member of the Communist [2164] Party?

A. Albert Rothbart?

Q. Yes.

A. Yes, sir, he is a member of the Communist Party.

Q. What discussion was had in that room at that time?

A. The general discussion—the outline was that they couldn't get the Garden for Monday night and that they had arranged for—

Q. (Interposing) That who couldn't get the Garden?

A. Well, they said "they."

Q. Well, who was speaking, if you know?

A. That was Raye that was doing the talking.

Q. Yes.

A. They couldn't get the Garden for a Monday night, that they had arranged for it for Wednesday, which was December the 16th, and that night Bridges and Curran were to go to Philadelphia. I was to stay for another coastwise conference in New York, and Tuesday we were to go to Boston, Wednesday in New York and Thursday in Baltimore.

(Testimony of Peter J. Innes.)

Q. Now, all these were discussed in the meeting at the Victoria Hotel?

A. That is right.

Q. The day that Bridges arrived?

A. That is right, and that the line of his talks were in an attempt to—[2165]

Q. (Interposing) The line of whose talk?

A. Bridges' talk was to be along the line in an attempt to bring the longshoremen out on strike, to tell the strikers on the Atlantic Coast that the West Coast would back them up and strike with them until they got what they were after.

Q. Now, you mentioned something about going to Philadelphia. A. Sir?

Q. Now, you mentioned something about going to Philadelphia? A. Sir?

Q. Did you say something about going to Philadelphia? A. That is right.

Q. Who was going to Philadelphia?

A. Bridges and Curran.

Q. Who told Bridges and Curran? Who said that Bridges and Curran were to go to Philadelphia?

Mr. Gladstein: This again is leading and suggestive, your Honor.

Mr. Del Guercio: He has already testified to that conversation, if your Honor please. I am just asking him who said those things.

Mr. Gladstein: Well, I am objecting to the question on the ground it is leading and suggestive.

Presiding Inspector: Well, I don't quite—

[2166]

(Testimony of Peter J. Innes.)

Mr. Gladstein: (Interposing) Well, the implication is that somebody told Mr. Bridges that he had to go some place, and Mr. Del Guercio is putting that in the witness' mouth. All that Mr. Del Guercio has to do is to ask him how did this conclusion happen to be arrived at, or something of that sort, instead of raising the implication by saying who said Bridges was to go to Philadelphia.

Presiding Inspector: Did anyone say anything about Bridges going to Philadelphia?

The Witness: Yes, sir; the program was outlined to him.

Presiding Inspector: Well, now, you may ask your question.

By Mr. Del Guercio:

Q. Well, now, who said that?

A. That he was going to Philadelphia?

Q. That Bridges was to go to Philadelphia?

A. The lay-out was given by Tommy Raye.

Q. Well, did he say that to Bridges?

A. Yes, sir.

Q. Did Bridges go to Philadelphia, do you know?

A. He did, yes, he did.

Q. Do you know what he did there?

A. He addressed a strike rally.

Q. Do you know who paid—was any mention made of expenses in that meeting in the Victoria Hotel in New York?

A. The expenses were talked about in the original [2167] teletype that I had sent to San Fran-

(Testimony of Peter J. Innes.)

cisco, that is, expenses were to be paid by New York.

Q. By New York. A. That is right.

Q. Pay whose expenses? A. Bridges.

Q. From where?

A. From Frisco to New York and during the time he was there and back again.

Q. Now, who told Bridges that he was to go to Boston?

A. At this same meeting he was told that himself, Curran and myself were to go to Boston Tuesday.

Q. By "him" you mean Bridges?

A. That is right.

Q. Who told him that? A. Raye.

Q. Was anything said about Bridges going anywhere else, to any other city?

A. Yes, sir; to Baltimore on Thursday.

Q. Who told him that? A. Raye.

Q. That was the Tommy Raye whom you say was a member of the Communist Party?

A. Tommy Raye, who was directing the operations for the Communist Party; that is right. [2168]

Q. Do you know if Bridges spoke at Philadelphia?

A. Of my own knowledge I don't, except what I read in the paper the next day that he had addressed a meeting in Philadelphia.

Q. Do you know if he spoke in Boston?

A. I do.

Q. Do you know if he spoke at Baltimore?

(Testimony of Peter J. Innes.)

A. I do.

Q. Do you know if he spoke in Madison Square Garden in New York? A. I do.

Q. Where were you? A. I was there.

Q. Were you there after the Rally in Madison Square Garden? A. I was.

Q. Where were you?

A. I was in one of the ante-room, what you might call a dressing room, or something.

Q. Was that after the meeting?

A. After the meeting was over; yes, sir.

Q. Who was in the ante-room?

A. Originally Bridges was in a room with newspaper reporters. After they left he went into the room next door with me, who was with him at that time, and Curran. In that [2169] room was Bill McCuision, David Leeds, Raye, Lannon. I am not positive whether the Bishop, or Hudson, rather, was there.

Q. Who was the Leeds that you mentioned?

A. Leeds at that time, I didn't know, but after we had left there I asked and I was informed that he was the Financial Secretary, or Treasurer, of the New York District of the Communist Party.

Q. Was any conversation had in that meeting in the ante-room? A. That is right.

Q. McQuision came in with the money that had been collected at the collection in the Garden, together with the pledges and checks, and the money that had been taken in at the admission gate.

Q. Who did he turn over that money to?

(Testimony of Peter J. Innes.)

A. He turned over that money, over the take, to David Leeds.

Q. Was there any conversation?

A. Well, Bridges wanted to know about his expenses.

Q. What did he say about his expenses?

A. He asked point blank, "Who is going to pay these expenses of mine?"

Q. Who did he say that to?

A. He said that to Raye. Raye told Leeds to take care of it. [2170]

Q. Tommy Raye? A. Yes, sir.

Q. What did he say?

A. Raye told Leeds to take care of Bridges' expenses.

Q. What else was said in that connection?

A. About money?

Q. About the expense that Bridges wanted?

A. Leeds didn't say anything further. He counted out \$400 or \$500—I don't know the exact amount—and gave it to him.

I hollered, myself, I wanted to know what about my expenses.

Bridges says, "You can go outside. I will take care of you later."

Q. Did you go outside? A. I left.

Q. Was anything else said in the room before you left?

A. No, sir; not to my knowledge, because I left immediately.

Q. Do you know how the arrangement had been

(Testimony of Peter J. Innes.)

made for the hiring of Madison Square Garden for this particular rally?

A. I only know what Al Lannon told me.

Q. You don't know that of your own knowledge?

A. Not of my own knowledge; no, sir.

Q. Now, returning for a moment, Mr. Innes, to the [2171] time you first met Mr. Bridges at his office here in San Francisco. I believe you testified that you met Bridges in his office and that while you were in his office Rathborne was present?

A. Correct.

Q. Was there anybody else in the office?

A. There was Bridges and Rathborne and Roy Pyle came in while we were there.

Q. Who was Roy Pyle?

A. At that time he was, I believe, connected with the American Radio Telegraphists Association here in San Francisco.

Q. Do you know who Mervin Rathborne is, as to whether or not he is a member of the Communist Party?

A. Certainly, he is a member.

Q. Was he at that time?

A. He attended all the Party meetings where all the big shots were so—

Q. (Interposing) Was Roy Pyle then a member of the Communist Party?

A. Pyle was a member.

Q. Now, Mr. Innes, did you testify before the Dies Committee?

A. I did.

Q. Did you testify before any other Committee?

A. No, sir.

(Testimony of Peter J. Innes.)

Q. Have you ever been arrested? [2172]

A. Yes; I was arrested once for loitering.

Q. Where? A. In New York.

Q. Were you formally charged?

A. I was fined \$5.00 or 10 days. I paid the fine.

Q. That was your only arrest?

A. That is all.

Q. Have you ever been on relief?

A. No, sir.

Q. At any time? A. Never.

Q. Anywhere? A. No.

Q. I believe you testified early in your testimony that you are at present in the U. S. Army?

A. I am at present a Sergeant in the Army, yes, sir.

Q. Where are you stationed?

A. I am stationed at Headquarters Company, Governor's Island, New York.

Mr. Del Guercio: You may cross examine.

Mr. Gladstein: May we have a moment, your Honor?

Presiding Inspector: Yes.

Cross Examination

By Mr. Gladstein:

Q. Mr. Innes, before testifying on the stand today did you talk to Mr. McCuistion about the testimony you were [2173] going to give?

A. I did not.

Q. Never at any time?

A. Never at any time.

(Testimony of Peter J. Innes.)

Q. Have you ever discussed with Mr. McGuistion prior to today, the events concerning which you have testified here today?

A. Have I ever discussed it with him?

Q. Yes. A. No.

Q. Have you ever talked with him about the Madison Square Garden meeting concerning which you have talked about here?

A. If I may qualify I may answer it.

Q. You can qualify it any way you like after you answer it. Can you first answer it "yes" or "no"? A. Yes.

Q. That is, you have discussed this with him, haven't you? A. Yes—if I may qualify it.

Q. Now, you can go ahead and qualify it.

A. I discussed it with him after the Madison Square Garden meeting, but I have not discussed the meeting with him in the last three years.

Q. All right. Have you discussed with Mr. McGuistion [2174] at any time prior to today, any of the other matters concerning which you gave testimony today? A. May I qualify that?

Q. Any way you wish.

Mr. Del Guercio: I think the Court will instruct the witness that he can qualify his answers.

Presiding Inspector: You will have an opportunity to qualify your answers.

Mr. Gladstein: I don't object to him asking whether he can qualify his answer.

A. Yes. I discussed the event during the event itself or immediately afterwards, but I have not

(Testimony of Peter J. Innes.)

discussed any events with Bill McCuiston concerning matters testified to here, or anywhere else, within the last two or three years; two years and a half.

By Mr. Gladstein:

Q. Those events that you testified about here today occurred in 1936, you say?

A. 1936; that is correct.

Q. All right. So it is your testimony, is it, that never since the year 1936 have you discussed with Mr. McCuiston any of the matters concerning which you have given testimony her today, correct?

A. No, it is not my testimony—never since 1937.

Q. When, in 1937, was the last time?

A. Well, now, that is pretty hard to answer. I haven't [2175] seen McCuiston since December of 19—January of 1938, up until the time I saw him the day I finished testifying before the Dies Committee, and until I met him yesterday here in San Francisco.

Q. Let me see now—you saw him at Madison Square Garden, that meeting there, in December of 1936?

A. That is correct.

Q. Did you see him within a short period of time thereafter?

A. Yes. I saw him the next morning.

Q. I know, but up to what point, would you say, up through some time in January 1937?

A. No; because I came back to San Pedro and arrived there December 23rd.

Q. So that you would have seen him for the last

(Testimony of Peter J. Innes.)

time as of that month prior, some time prior to December 23, 1936? A. That is correct.

Q. When was the next time you saw him?

A. I think it was after he returned from Spain. I am not positive; I wouldn't swear to it.

Q. When?

A. It was during the NMU election—I know that—in 1938.

I made an error there before—I think it was in January 1939 the last time I saw McCuiston.

[2176]

Q. Well, now, you say you saw him in 1938 some time?

A. Yes; when he came back from Spain.

Q. Approximately when, in what year?

A. Well—

Mr. Del Guercio: (Interposing) If your Honor please, the witness has already testified it was when McCuiston returned from Spain. Does he know what month or what year McCuiston returned from Spain?

Presiding Inspector: It is understood that if a witness cannot give these dates—they are difficult to give ordinarily—he will say so. Can you fix it any nearer?

A. In the summer. That is the closest I can come to it.

By Mr. Gladstein:

Q. In the summer of 1938?

A. That is correct.

Q. Did you discuss with him on that occasion, or

(Testimony of Peter J. Innes.)

during that period of time, any of the events concerning which you have testified here today?

A. Not to my recollection. We had things of more importance to discuss at that time.

Q. Is it your best recollection that you did not, on that occasion, or in that period of 1938, discuss with Mr. McCuiston any of the events or things concerning which you have given testimony here today? [2177]

A. In 1938—

Presiding Inspector: As I understood it, he answered that, but you may ask him.

The Witness: Will you repeat the question?

Mr. Gladstein: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. To the best of my recollection the answer would be "No".

Mr. Gladstein: All right. When was the next time that you saw Mr. McCuiston?

A. I can't recall discussing the matter with him.

Q. At any time? A. At any time.

Q. Prior to today?

A. I do not recall discussing the matters with Bill McCuiston at any time during 1938.

Q. How about 1939?

A. In 1939 I didn't see McCuiston. [2178]

Q. How about 1940?

A. I didn't see McCuiston except for an hour when I got through testifying before the Dies Committee. I didn't discuss the matter with him.

(Testimony of Peter J. Innes.)

Q. You saw him after you testified before the Dies Committee?

A. Before the Dies Committee, that is correct.

Q. I say, you saw him after your testified before the Dies Committee? A. That is correct.

Q. Not before? A. Not before.

Q. Did you ever turn over to Mr. McCuiston any materials, documents, letters, records of any kind of the N.M.U. or the Marine Firemen's Union?

A. I did not.

Q. Did you ever turn over any such material to anyone? A. Property of the union?

Q. Correspondence that concerned union affairs?

A. Well, you will have to explain what you mean by "correspondence or records." Possibly I might have given somebody some of my own records.

Are you inferring that I turned over union records?

Q. Just a moment. I will withdraw that last question. [2179]

I believe you said you came to San Francisco August 22nd, 1936?

A. I said approximately. I didn't specify the exact date; I am not sure of it.

Q. How did you arrive?

A. I arrived on the steamship President Taft of the Dollar Line.

Q. Where did you disembark?

A. Pay-off, you mean?

Q. Yes. A. In San Francisco.

Q. In what capacity were you on that ship?

(Testimony of Peter J. Innes.)

A. I was engineer's yeoman on that ship, having relieved Al Yates on orders of the Communist Party that he get off and give me the job.

Q. Were you taking orders from the Communist Party?

A. No; I took my orders from Joe Curran.

Q. Were you a member of the Communist Party? A. I was not.

Q. Now, after you came to San Francisco how long did you remain here continuously before departing to some other place?

A. I believe I stayed in San Francisco until November the 4th, although I made one trip to San Pedro in between November the 4th I departed for San Pedro, California.

Q. How long did you stay in San Pedro after arriving [2180] there on the 4th of November?

A. Of course, I made several trips back and forth to San Francisco, but to the best of my knowledge, I left San Pedro, I believe, February the 7th, 1937—no—yes, 1937, about three days or four days after the strike ended.

Q. Would it be correct to say that your headquarters, so to speak, from November 4th, 1936 until the date in February 1937 that you have mentioned, would be San Pedro? A. That is correct.

Q. Now, after arriving in San Pedro on November 4th do you remember when it was that you took the first trip to San Francisco?

A. It was either the last week in November or

(Testimony of Peter J. Innes.)

the first week in December—I am not sure of it—sometime in between.

Q. Do you recall the occasion?

A. No, wait a minute; it was in November.

Q. When in November?

A. That I can't tell you but I know it was in November, *possible* a week or ten days after I had gone to San Pedro.

Q. And what was the occasion? A. Yes?

Q. What was the occasion for your leaving San Pedro?

A. I came up to see Bridges, Rathborne and Zack Brown and a few others up here to let them know what the situation was in San Pedro in regards to the East Coast men. [2181]

Q. How long did you remain in San Francisco on that occasion?

A. Oh, probably a day or two; I don't know.

Q. Did anything else of significance occur on that occasion that you can recall now?

A. Nothing except that I caught blazes about opening up my own—what they called my own mob down there instead of allowing them to amalgamate with the Communist controlled unions here.

Q. Did you then return to San Pedro?

A. I did.

Q. When is the next occasion when you came to San Francisco?

A. When I came to find out what Bridges' answer was regarding going to Madison Square Garden.

(Testimony of Peter J. Innes.)

Q. When was that?

A. The first week in December; I am not sure of the date.

Q. And why did you come to San Francisco on that occasion?

A. To find out what Bridges' answer was concerning his going to Madison Square Garden, when I didn't get a reply to the teletype that I sent up.

Q. Had you sent a teletype? A. I had.

Q. What was the general substance of the contents of it? [2182]

A. I said that New York wanted to know whether Bridges could be available or would—New York wanted to know whether Bridges would appear at Madison Square Garden on December the 14th to speak, and they wanted a reply immediately.

Q. To whom did you send the teletype?

A. I asked for Bridges on the teletype and the answer came back that he was not available, that Rathborne was there, and Rathborne got the teletype.

Q. And you would date that as sometime in the early part of December?

A. In the first week in December, yes.

Q. You say you didn't receive a reply?

A. I didn't receive a reply within the next twenty-four hours and I had another phone call from New York wanting to know what the answer was. I told them I didn't get a reply. They told me to go to 'Frisco and get one.

(Testimony of Peter J. Innes.)

Q. That is when you came to San Francisco?

A. That is right.

Q. How did you travel?

A. I traveled by car.

Q. And when you came to San Francisco where did you go?

A. I went right to Bridges' office.

Q. How long did you stay in San Francisco on that occasion? [2183]

A. I left immediately.

Q. You mean you came to Bridges' office and then you left?

A. How long did I stay? Well, well, probably ten or twelve hours, but I mean I left the same day that I arrived.

Q. And where did you go then?

A. Went back to Pedro.

Q. When is the next time you came to San Francisco after that, do you recall?

A. Under orders from the strike committee in New York and in accordance with arrangements that had been made in New York when Bridges and the rest of us were there, I arrived in San Francisco right after Christmas on a Coastwise tour.

Q. Well, I was not referring to a trip from the East to San Francisco.

A. No; no; I am talking about the Pacific Coast, on a Coastwise tour. In other words, I was doing what Bridges done on the East Coast. I was making a tour up here to let everybody know what they were doing over there.

(Testimony of Peter J. Innes.)

Q. No, no, Mr. Innes. I am referring now to the next occasion when you left San Pedro to come to San Francisco. Was there any such occasion?

A. I told you I arrived here a couple days after Christmas. Oh, from San Pedro to San Francisco?

Q. Now, you said that on the occasion when you came to San Francisco to see Bridges you were here about ten or twelve [2184] hours.

A. On what occasion was that?

Q. To get him to go to New York.

A. About that, I would say: I am not positive of it.

Q. Is that the day on which there was this telephoning that you testified about?

A. That is correct.

Q. The day on which you talked to McCuiston?

A. The day on which I talked to McCuiston.

Q. And you say that after you talked to McCuiston Bridges took the phone?

A. No. McCuiston said to tell Bridges that Tommy Ray wanted to talk to him and we were to speak from an outside phone. The first call I received at Bridges' suite up there at 112 Market Street.

Q. Well, when you made the call on the public telephone——

A. (Interposing) Yes.

Q. (Continuing) —you spoke to McCuiston?

A. McCuiston answered the phone, that is right.

Q. Then, you turned the phone over to Bridges?

A. McCuiston said "Tommy Ray wants to talk to Bridges."

(Testimony of Peter J. Innes.)

Q. Did you turn the phone over to Mr. Bridges? A. I did.

Q. All right. And after Mr. Bridges left the phone booth [2185] did he tell you anything?

A. Yes. He says, "It looks like I got to go to New York."

Q. What else, if anything, happened in connection with his trip to New York?

A. Well, I asked him about when he was going to leave. He said he didn't know but he would probably go by plane.

Q. Well, did you make any further arrangements about that? A. With him?

Q. Yes.

A. No; I figured New York had taken care of it.

Q. Did you do anything further on the question of getting Bridges to go to New York after Bridges had said to you, that, as a result of the telephone call, he had to go?

A. I teletyped New York to let them know that he had accepted because I didn't know whether the records in the union hall—after all, this call was not from the strike headquarters. The teletype—or I called New York, rather. The teletype in San Pedro—San Pedro notified New York officially anyhow, I know that, that he was coming to New York, over our own station.

Q. They were anxious to get him back there, weren't they? A. They were anxious.

Q. To get Bridges as a speaker? [2186]

A. It appeared that way.

(Testimony of Peter J. Innes.)

Q. Well, don't you know?

A. I would assume. I was not there; I was here.

Q. Well, after Bridges told you that he guessed he had to go you say you teletyped San Pedro?

A. San Pedro, that is correct.

Q. Then, San Pedro teletyped New York?

A. No, I don't know what they done. All I know they notified New York he was coming because that was my orders to the Secretary of our strike committee to notify New York officially that Bridges was coming.

Q. You did nothing further in connection with notifying anybody about Bridges coming?

A. I did not, to the best of my knowledge.

Q. Now, Mr. Innes, as a matter of fact, weren't you in San Pedro at the time that you were requested to get hold of Mr. Bridges for this meeting?

A. I testified to that fact.

Q. And isn't it a fact that you remained in San Pedro and got your answer from Bridges, as to whether he would go East, by teletype while you were in San Pedro?

A. You are not inferring that I am perjuring myself, are you?

Presiding Inspector: No, no, no.

Is that a fact? [2187]

Mr. Gladstein: Read the question, please?

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: Now, there is a double inference.

(Testimony of Peter J. Innes.)

Mr. Gladstein: I will withdraw the question.

Presiding Inspector: Wait until I suggest to you: There were two answers of Bridges, weren't there, according to the testimony, one that he would not go and one that he would go?

Now, which did you refer to? That is what I had in mind.

Mr. Gladstein: I understood from the witness that Mr. Bridges left the telephone booth and told Innes that he would have to go.

Presiding Inspector: Oh, yes, that is what you are referring to?

Mr. Gladstein: Yes. Now, I asked him what he did and he said he teletyped to San Pedro and told them that Bridges was going to go East and that San Pedro notified New York, in what way he was not sure.

Presiding Inspector: I understand that. I wonder if the witness does.

By Mr. Gladstein:

Q. All right. Now, Mr. Innes, isn't it true that while you were in San Pedro you teletyped Mervin Rathborne asking [2188] him to get Bridges to consent to go to the Madison Square Garden?

A. I testified to that effect.

Q. I am asking you a question. Please answer it yes or no.

Mr. Del Guercio: He has answered it, if your Honor please.

Presiding Inspector: I think that is an affirmative answer.

(Testimony of Peter J. Innes.)

Mr. Del Guercio: Counsel can't argue with the witness and try to intimidate him.

Presiding Inspector: No, you shouldn't say those things. I think that is an affirmative answer. I so took it.

By Mr. Gladstein:

Q. Isn't it a fact while you were in San Pedro you got a response from Mervin Rathborne, to the effect that Bridges was willing to go?

A. No, it is not a fact.

Q. Isn't it a fact that you, receiving such a teletype from Rathborne then notified New York that Bridges was willing to go to Madison Square Garden?

A. No, it is not a fact.

Q. Have you read your testimony that you gave before the Dies Committee before taking the stand here?

A. Have I read it?

Q. Yes. [2189]

A. I read it when the Volume came out but I haven't read it since.

Q. Well, when did you read it?

A. Oh, probably six or seven months ago, whenever the Volume came out anyway.

Q. You were sworn when you gave that testimony, weren't you?

A. Uh-huh.

Q. To tell the truth?

A. Uh-huh.

Q. Did you tell the truth?

A. I think so.

Q. Is there any doubt in your mind about it?

A. Not in my mind.

Q. I want to read you from your testimony before the Dies Committee, Volume 13, page 8046. I"

(Testimony of Peter J. Innes.)

will begin early enough so that you can get the general gist of it, Mr. Innes.

Near the top of the page:

"Mr. Thomas. Have you got the date of the Garden meeting?"

Do you remember who Mr. Thomas was?

A. You mean Congressman Thomas, Parnell Thomas in New Jersey?

Q. You remember him, don't you?

A. Yes, I recall him very distinctly. [2190]

Q. You remember Mr. Voorhis was there?

A. Yes, of California.

Q. Do you remember Mr. Lynch was there?

A. Mr. Lynch was the counsel that cross examined me.

Q. He what?

A. Mr. Lynch was the counsel that cross examined me, the counsel for the Committee.

Q. He cross examined you?

A. Well, he questioned me, whatever you want to call it.

Q. All right.

"Mr. Thomas. Have you got the date of the Garden meeting?"

"Mr. Innes. The Garden meeting was held in December—I have a flyer on it here somewhere; I have it right here.

"Mr. Voorhis. You mean the Madison Square Garden?"

"Mr. Innes. Yes, December 16, 1936. It has Bridges' picture on it.

(Testimony of Peter J. Innes.)

"Mr. Thomas. Harry Bridges was the chief speaker there?"

"Mr. Innes. Him and Vito Marcantonio.

"Mr. Lynch. What was the other fellow?"

"Mr. Innes. That was Curran.

"Mr. Lynch. Now, may I ask you a question before you go into this? Was a teletype system installed between the Pacific coast and New York?"

"Mr. Innes. The teletype arrangement. There was a telé- [2191] type in Bridges' office in San Francisco, there was one in Seattle, there was one in Portland, one in San Pedro, and then I paid to have one put in the office in New York so we could have conference calls on it and all get on the wire together.

"Mr. Lynch. In other words, this is one of the teletypes which was used?"

"Mr. Innes. That is correct.

"Mr. Lynch. By you from the Pacific coast to New York?"

"Mr. Innes. That is correct.

"Mr. Lynch. And from New York to the Pacific coast?"

"Mr. Innes. Yes, sir.

"Mr. Lynch. Now, is this the one that has to do with the instructions with regard to Bridges coming East?"

"Mr. Innes. When this message was sent it was sent to Bridges, but as it states later on he wasn't there and it was given to him. And then I have others where he confirmed the date of arrival in

(Testimony of Peter J. Innes.)

New York. This one is dated—there is no date on it, but it is from San Pedro, California, to the District Council No. 2, San Francisco, 104, on the teletype, attention Rathborne, and it states:

“Due to phone call from here I had to leave without seeing you again. Talked to New York on phone this A.M. They desire to know whether Bridges will come to New York, expenses paid, to be on the platform, Madison Square Garden, [2192] December 14th. They desire he notify them yes or no immediately as John L. Lewis is to be there. The above is strictly confidential. Ask him to notify Joe in New York in writing as they also have made arrangements for Francis J. Gorman to be there also.

“And it is signed by me. Rathborne’s answer:

“Okay. Have already discussed question with H. B. re going back to New York. Think perhaps he can go. Confirm date December 14.

“And that is signed by Rathborne.”

Did you give that testimony?

A. Sure I gave it.

Q. Is that testimony true?

A. That is correct.

Q. Were you in San Pedro when you got the teletype telling you that Bridges would go to the East?

A. That doesn’t say he would go East. I never got no teletype saying he would go East.

Q. Did you or not, while you were in San Pedro,

(Testimony of Peter J. Innes.)

teletype the message I have just read, to San Francisco?

A. I testified to that this morning, that I did send it, that is right.

Q. Please answer the question.

A. I answered it.

Mr. Del Guercio: He has answered the question, I submit. [2193]

Mr. Gladstein: Do you consider that an affirmative answer?

Presiding Inspector: I think it is an affirmative answer.

You mean yes?

The Witness: I said yes, yes, your Honor.

By Mr. Gladstein:

Q. Did you receive that reply?

A. I did. That reply was all part of the same teletype; it didn't come in after.

Q. Is it your testimony that the arrangement for Bridges to go to New York was made by any other method than teletype?

A. Yes; I didn't arrange for him to go to New York. He got his orders from New York to come there, according to what he said over the phone.

Q. So at the time you testified before the Dies Committee you knew, did you, that Bridges was in communication by telephone with Tom Ray?

A. I did. [2194]

Q. Did you tell the Dies Committee that?

A. I did not.

Q. Why not?

(Testimony of Peter J. Innes.)

A. I wasn't asked. I answered any questions that I was asked, the same as I would answer to you.

Q. I will read to you from page 8076 of the testimony you gave before the Dies Committee—withdraw that. That isn't the page I have in mind.

I read to you from page 8068, near the bottom of the page:

Mr. Lynch: Do you know whether or not Bridges or Rathborne were communicating with Tommy Ray on the East Coast?

Mr. Innes: Whether or not they were?

Mr. Lynch: Yes.

Mr. Innes: As far as I know, at that time the only direct communication that Bridges had with the Atlantic Coast was all carried on through me. As I later surmised when I got things together and started to work it out in my own mind, in the event the strike blew up the only people that would be actually involved or incriminated when the seamen would not be members of the Communist Party, it would be myself and Curran at the time if it blew up and the men didn't come out on strike—we would be the fall guys."

Mr. Del Guercio: (Interposing) If your Honor please—

Mr. Gladstein: I haven't finished yet. Do you say I am misreading from the record? [2195]

Mr. Del Guercio: Go ahead—I will not say anything.

(Testimony of Peter J. Innes.)

Presiding Inspector: Go ahead.

You can go back and repeat if you want.

Mr. Gladstein: (Continuing) —“ . . . would be myself and Curran at the time if it blew up and the men didn't come out on strike—we would be the fall guys.

“Mr. Lynch: Now, the fact that there was a countermand of that agreement which was made with McGrady, would that indicate to you that there were private conversations had between Bridges and Rathborne with the East Coast directing them what to do?

“Mr. Innes: I would assume that Mr. Ray overruled the matter of a referendum.

“Mr. Lynch: Somebody overruled it, didn't they?

“Mr. Innes: That is correct.

“Mr. Lynch: And you did not know who overruled it?

“Mr. Innes: Yes, sir.”

By Mr. Gladstein:

Q. Now, Mr. Innes, did you give that testimony?

Mr. Del Guercio: I object to that, if your Honor please, because counsel hasn't called the witness' attention to the fact that this refers to an earlier strike, as indicated by the testimony just above it.

By Mr. Gladstein:

Q. Does it refer to an earlier strike?

A. It refers to an earlier date. [2196]

Q. Does it refer to an earlier strike?

(Testimony of Peter J. Innes.)

A. An earlier date.

Q. Does it refer to an earlier strike?

Presiding Inspector: Don't answer. What difference does it make?

Mr. Gladstein: Mr. Del Guercio said it referred to an earlier strike.

Presiding Inspector: We don't pay any attention to remarks of that kind. If it refers to an earlier strike I suppose the witness would say so.

Does it?

The Witness: No, sir.

Presiding Inspector: That straightens it out. I didn't suppose there was an earlier one when this man had just gone out there.

Mr. Gladstein: There was an earlier strike in the spring prior to his arrival in San Francisco.

Presiding Inspector: Not after Mr. Innes got to California.

Mr. Gladstein: That is right.

Presiding Inspector: I see Mr. Del Guercio mis-spoke on that.

Mr. Del Guercio: Yes. I apologize to the Court for doing it. There is no reference to the Madison Square Garden meeting. [2197]

Presiding Inspector: Then there was nothing misleading in what Mr. Gladstein said.

Mr. Gladstein: Thank you.

By Mr. Gladstein:

Q. Now, Mr. Innes, have you been a member of the National Maritime Union?

(Testimony of Peter J. Innes.)

A. Yes. I was a member of the National Maritime Union.

Q. When did you first become a member of the National Maritime Union?

A. I helped organize it.

Q. I didn't ask you that. I asked you when.

A. You asked me the date I became a member—whatever date the Union came into existence—I don't know—but I helped organize the Union.

Mr. Del Guercio: If your Honor please, I think counsel should be admonished not to antagonize the witness.

Presiding Inspector: Well, I suppose that arousing antagonism is one method of cross examination.

Mr. Del Guercio: One of whose methods?

Presiding Inspector: Of counsel in general. Go ahead.

Mr. Gladstein: Will you read the last question?

(The last question and answer were read by the reporter as above recorded.) [2198]

Mr. Gladstein: Wasn't there another question?

The Reporter: No.

Presiding Inspector: There was a lot of talk in which the Presiding Officer took part.

By Mr. Gladstein:

Q. I will ask the same question: When?

Presiding Inspector: You mean by date?

Mr. Gladstein: I am not asking for the exact date.

(Testimony of Peter J. Innes.)

Presiding Inspector: Approximately.

A. 1937.

By Mr. Gladstein:

Q. Do you remember about when in 1937?

A. The date that the Union was formed; the date we withdrew from the International Seamen's Union, A.F. of L., and went into the CIO. What the date was I don't know. It was in 1937.

Q. Can't you give an approximation?

A. In the spring, or summer, or fall—I don't know.

Q. And for how long did you remain a member of that Union?

A. Until I quite in 1939, January.

Q. Where were you when you quit?

A. In New York.

Q. And how did you quit?

A. I just up and quit; that it all. [2199]

Q. Did you formally resign or take any—

A. (Interposing) No.

Q. (Continuing.) Please wait until the question is finished. A. Sorry.

Q. —or take any action indicating your desire to quit?

A. Did I indicate my desire to quit and the question again.

Mr. Gladstein: Read the question.

(The question referred to was read by the reporter as above recorded.)

Mr. Gladstein: I will reframe the question.

(Testimony of Peter J. Innes.)

By Mr. Gladstein:

Q. Did you formally resign, or take any action indicating to the Union that you were quitting?

Presiding Inspector: "Yes" or "No"?

A. Well, it is "Yes" and "No".

By Mr. Gladstein:

Q. Make it "yes" or "no" and go ahead and qualify it.

Presiding Inspector: Tell us which is "yes" and which is "no"?

A. As Bridges no doubt knows, I went to the hospital, after I had brought charges against Finky Smith, over there, Ferdinand Smith, the Vice President of the Union, and as a result [2200] I met with Communist tactics and I got dumped, in plain English. So I went to the hospital with a fractured skull. I came out of the hospital—in the meantime the comrades had access to my stocks, and so forth, and things didn't check up the way they were when I left, when I came back to take the job over, and I so informed the Secretary-Treasurer of the Union. I couldn't get any satisfaction from Curran, or anybody else, so on Saturday night I locked the safe, left my keys there, and quit.

Q. Did you take any other action to indicate to the Union that you had resigned from it?

A. No.

Q. Isn't it a fact, Mr. Innes, that you were expelled by the Union?

A. I didn't get that.

Q. Isn't it a fact that you were expelled for 99

(Testimony of Peter J. Innes.)

years by the Second Annual National Convention of the National Maritime Union of America, held between July 3 and July 14, 1939?

A. I wouldn't know. I was a coal burning fireman on a ferryboat at that time, and I wasn't at the convention.

No, Brother Bridges, it wasn't a scab ferryboat. I got Union wages.

Presiding Inspector: Never mind.

The Witness: He whispered that loud enough to his counsel for me to hear. I am not a scab. (Laughter)

Presiding Inspector: We will have to have order in [2201] the court room.

We want no remarks from you except in reply to questions of counsel.

The Witness: Sorry.

By Mr. Gladstein:

Q. Isn't it a fact, Mr. Innes, that your expulsion from the Union, for the period of 99 years, was on the charge of absconding with Union funds?

Mr. Del Guercio: If your Honor please, I don't think that is—

The Witness: (Interposing) I can answer the question.

Presiding Inspector: If he can, let him answer.

A. I wouldn't know that I was expelled. I know I am suing the Union for mentioning the fact in the "Dirty" Worker that I had absconded with funds, but I don't know anything about my expulsion. I

(Testimony of Peter J. Innes.)

never received any notice of expulsion, trial, charge, or anything else.

By Mr. Gladstein:

Q. You have learned, have you, that you were charged by the Union with absconding with Union funds?

A. All I know is what I read in the "Dirty" Worker that I had absconded with funds: I read that after my Dies Committee testimony.

Q. Have you heard whether or not the second convention of the NMU took action against you?

[2202]

A. I wouldn't know. I wasn't there.

Presiding Inspector: When was that?

The Witness: That was in July, counsel said.

Mr. Gladstein: July 1939.

By Mr. Gladstein:

Q. You mentioned a few moments ago something about having your skull fractured?

A. Yes, sir.

Q. Do you recall an incident in the Union offices of the NMU when you and some others had baseball bats?

A. Do I remember the incident?

Q. Yes. A. Very well.

Q. And you and these others who were with you attacked certain people who were in the offices of the—wait, I haven't finished.

A. I haven't answered yet.

Q. (Continuing): —and you and the others

(Testimony of Peter J. Innes.)

with you who had the baseball bats attacked certain office employees and others in the offices of the NMU? A. No.

Presiding Inspector: The question is, do you remember the incident?

The Witness: Do I remember the incident when certain people were attacked in the Union by me and a group carrying [2203] baseball bats?— I don't recall any such incident.

Presiding Inspector: Ask the next question.

By Mr. Gladstein:

Q. You don't remember that?

A. Remember persons being attacked? I said, I don't remember any such an incident.

Presiding Inspector: That answers the question. Go ahead.

By Mr. Gladstein:

Q. You say you were arrested once?

A. That is correct.

Q. Did you ever commit any act which you knew to be a criminal offense?

Mr. Del Guercio: Just a moment—

A. (Interposing) I decline to answer that question.

Mr. Del Guercio: Don't reply until I submit my objection. That question is not proper, your Honor.

Presiding Inspector: He takes advantage of his privilege.

Mr. Gladstein: Privilege?

Presiding Inspector: Yes.

(Testimony of Peter J. Innes.)

Mr. Gladstein: I will admit that it would be proper to take advantage of his privilege had he not previously testified about it but if, without claiming the privilege, he tells the Dies Committee about committing illegal acts, telling them he knew they were illegal, then I think he waives his privilege.

[2204]

Presiding Inspector: I don't know anything about what he stated before the Dies Committee, except what you have read from certain portions.

Mr. Gladstein: I know that portion.

Presiding Inspector: I rule he has taken advantage of his privilege.

Ask the next question.

He says in substance that the answer might tend to incriminate him, or would tend to incriminate him.

The Witness: No, sir, your Honor, I don't take advantage of my privilege. Even if I did take advantage of my privilege the answer would still be "No". I will have to qualify the answer.

Presiding Inspector: He withdraws his privilege then and the answer is "No".

The Witness: With qualifications.

Presiding Inspector: Let us hear the qualifications.

The Witness: Counsel is inferring I testified—

Presiding Inspector: No, no, no. We don't care about counsel's statement.

The Witness: I testified I have been arrested once. He asked if I ever have done anything, com-

(Testimony of Peter J. Innes.)

mitted any act, any felonies, and I say that is an improper question.

Presiding Inspector: Just a minute. I ruled with you.

The Witness: I never committed any acts nor felonies, [2205] crimes, or otherwise, to my knowledge.

Presiding Inspector: All right. I think it has been sufficiently confused now in the record.

Ask the next question.

Mr. Gladstein: Would your Honor care to take the afternoon recess now?

Presiding Inspector: All right. We will take a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: All right, Mr. Gladstein.

By Mr. Gladstein:

Q. Now, the teletype that I read to you from your testimony in the Dies Committee was one that you sent from San Pedro, is that correct?

A. That is correct.

Q. And to that you received an answer from Mervin Rathborne, correct?

A. No. That was all part of the same teletype. In other words, I sent the message from that end and that came right back at the same time. It wasn't a separate answer.

Q. They were all on the same sheet?

A. Correct.

Q. But a part of that sheet represents what you

(Testimony of Peter J. Innes.)

were saying while you were in San Pedro which you were saying to San Francisco?

A. That is right. [2206]

Q. And the balance of the sheet represents what Rathborne in San Francisco was saying to you while you were in San Pedro?

A. That is correct.

Q. All right. Now, what did you do after that teletype conversation had concluded?

A. Nothing; because it wasn't definite and I couldn't call New York and tell them "Yes" or "No". So I did nothing.

Q. How long did you continue to do nothing about this?

A. Until the next day when I received a telephone call from New York wanting to know what the answer was, and I told them I hadn't received any answer from Bridges, which I hadn't received. The answer from Rathborne didn't speak for Bridges.

Q. Did you use, through the 1936 strike, the teletype arrangement between San Pedro and San Francisco pretty much?

A. Oh, yes; fairly often.

Q. When you wanted to talk with Bridges, or get in touch with him, to whom would you send your teletype message?

A. I would address it to him in his office. There was a teletype kept in his suite up there at 112 Market Street. I didn't use the Federation set-up on Golden Hill, or Golden Gate, whatever you call it, at Sacramento and California Streets.

(Testimony of Peter J. Innes.)

Q. You say there was a teletype in Bridges' office?

A. In his suite of offices. There were three offices. [2207] I don't know, wouldn't say it was in his office; it was in part of his office. The District Council office and the ILA office were there together.

Q. Who occupied the other offices?

A. A stenographer, Rathborne and Bridges.

Q. Wasn't the teletype in San Francisco in Rathborne's office?

A. It was in the outer office. You go in the door, and the teletype was in Rathborne's portion of the suite; and the other one, the other part of the suite was occupied by Bridges. It was in the District Council office, if you want to put it that way.

Q. Do you remember the approximate date of that teletype the one we are now discussing?

A. I believe it was in the first week in December; I don't know the exact date.

Q. Then you say after that about a day or so later you got another telephone call from New York and so you came to San Francisco?

A. Not a day or so later; I got it the next day.

Q. After receiving the telephone call how long did you wait before you came to San Francisco?

A. I left immediately for San Francisco that night.

Q. And when did you arrive in San Francisco?

A. The next morning, or the next day. [2208]

(Testimony of Peter J. Innes.)

Q. Did anybody come with you?

A. The kid that was driving the car.

Q. Who was that?

A. His name was Theodore Widdows, a cadet off the California.

Q. He was then a cadet off the California?

A. Correct; he was a striker.

Q. And do you know where his residence was?

A. No; except somewhere on the east coast. I didn't know the address and don't now.

Q. Of what Union, if any, was he a member?

A. He was not a member of any Union. At that time it was not the policy of the Eastern and Gulf Sailors Association to allow cadets to belong to the Union.

Q. Do you know whether he subsequently became a member of the Union? A. I do not.

Q. Do you know what his residence was?

A. I do not. His residence here was in San Pedro, one of the dormitories that our particular group maintained, but for his home address, I don't know where that was; except it was on the Atlantic Coast.

Q. He was one of the strikers off the California? A. That is correct.

Q. Now, you arrived in San Francisco the following [2209] morning? A. That is right.

Q. Where did you go?

A. Proceeded directly to Bridges' office. Parked the car in front there and went upstairs.

Q. Were you alone?

(Testimony of Peter J. Innes.)

A. Was I alone; — yes:

Presiding Inspector: Haven't you asked him about the meeting in Bridges' office? I thought you asked him about this since we came back from lunch.

Mr. Del Guercio: He has, your Honor.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Let me ask you this question: After you talked about New York in Bridges' office where did you then go?

A. After I had talked—after I had received the phone call from New York?

Q. Yes. A. In his office?

Q. Yes.

A. We went outside, that is, we went to another phone.

Q. Do you know where?

A. I don't recall whether it was in the same building or next door or across the street. I know it was quite handy. It was a little cigar store, I believe, or it may have been a [2210] drug store. I am not exactly positive. It was a pay phone anyway.

Presiding Inspector: You went over this also.

Mr. Gladstein: Not the questions I want; I mean, I have talked on the subject.

Presiding Inspector: Up to this time you had covered them.

(Testimony of Peter J. Innes.)

By Mr. Gladstein:

Q. Do you know whether the call to San Francisco when you were in Bridges' office was person to person to you?

A. I do not; I never asked. In fact, I can answer that "No", it was not, because I had New York directly on the phone. Person to person I would have an operator.

Q. What is that?

A. On a person to person call the operator asks if it is so and so and you answer if it is. If it is a station to station call you have your party immediately; they talk to anybody.

Q. Well, who made the call?

A. Well, when I got on the phone McCuistion was on the phone on the other end; Rathborne answered the phone.

Q. Which end of the phone made the call?

Mr. Del Guercio: Your Honor, he has testified—

Presiding Inspector: (Interposing). Let's find out which telephone you are talking about.

By Mr. Gladstein:

Q. The one in Bridges' office; is that what you understand? [2211]

Presiding Inspector: That is before they went to the—

The Witness: (Interposing) Outside.

Presiding Inspector: Yes.

(Testimony of Peter J. Innes.)

By Mr. Gladstein:

Q. Didn't you so understand, Mr. Innes?

A. I didn't get that.

Q. Do you understand that we are now discussing the telephone—

A. (Interposing) I am discussing the call that came to me; I am not discussing any other.

Q. When you were in Mr. Bridges' office?

A. That is right.

Q. And you say that your recollection is that Rathborne answered the phone?

A. That is my recollection; it was not Bridges that answered the phone.

Q. And then after Rathborne answered the phone you were put on the phone?

A. Rathborne says "They want you on the telephone."

Q. And then you talked to McCuiston?

A. I talked to McCuiston; he was on the phone.

Q. And then you hung up after the conversation?

A. That is right. The conversation lasted probably a moment.

Q. Except for Rathborne answering the phone and you [2212] taking it over after that nobody else on your end spoke on the phone?

A. No, sir.

Q. Then, where did you go?

A. I then told Bridges that New York called and said that Tommy Ray wanted to talk to him, and we were to go to an outside telephone. Then

(Testimony of Peter J. Innes.)

we went outside to—I don't recall whether the pay phone was in 112 or next door; I am not positive exactly of the location.

Q. Did you go directly from Mr. Bridges' office to the public phone?

Mr. Del Guercio: Just a minute, if your Honor please, that has been gone over now, it seems to me, three times.

Presiding Inspector: Yes, I think at least three times, but you may have it.

A. Yes, I don't think we stopped anywhere on the way except waiting for the elevator.

By Mr. Gladstein:

Q. Do you remember where you went, where the public telephone was?

Mr. Del Guercio: I repeat the objection.

Presiding Inspector: He has told you repeatedly he didn't know if it was a drug store or—

The Witness: (Interposing) I don't recall whether it was in the building itself or next door. If I recall correctly, [223] it is a little cigar store.

Presiding Inspector: I think he has answered that at least four times in reply to your question.

By Mr. Gladstein:

Q. All right, you went directly from Mr. Bridges' office to the public telephone?

A. That is true.

Mr. Del Guercio: That is the same thing all over again.

(Testimony of Peter J. Innes.)

Presiding Inspector: That is just what you have asked.

By Mr. Gladstein:

Q. Then, you made the telephone call to New York?

A. I did, yes; I called the number they had given me to call.

Q. Do you know how much it cost you?

A. I didn't pay for it; I sent it collect.

Q. You mean you used a public telephone and sent it collect on the other public telephone?

A. That is correct, that is correct.

Q. Yes. Now, you mentioned a little while ago that you had a suit against the National Maritime Union.

A. I have a suit against Joseph Curran as a co-defendant with the National Maritime Union.

Q. You were suing that union for libel and slander?

A. I am suing that union on nine counts of libel in conjunction with Joe Curran, for slander and libel.

Q. Are you asking for damages in that suit?

[2214] A. I am.

Q. Will you state, please, how much in damages you are requesting?

A. \$25,000 on each count.

Q. And there are how many counts?

A. \$225,000 worth.

Presiding Inspector: That doesn't impress me particularly if the practice is the same here—

(Testimony of Peter J. Innes.)

Mr. Gladstein: (Interposing) You mean as to the request?

Presiding Inspector: Yes, as in New York. They always put the sky as the limit.

Mr. Gladstein: Oh, I understand that, your Honor.

By Mr. Gladstein:

Q. In addition to that you are also involved in other litigation concerning the National Maritime Union, aren't you?

A. I believe I was; I don't know. They brought suit against me but I have never heard anything about it since I answered it. I don't know anything about it.

Q. Didn't they bring suit against you to replevin certain materials which it was charged you had unlawfully stolen from the union? A. No.

Q. What did they charge you with?

A. They didn't charge me with stealing them. They charged me with having them unlawfully in my possession.

Q. All right. Do you know whether a judgment was ever [2215] obtained in that case?

A. I answered the subpoena, that is, my attorney answered it, and I have never heard anything about it. I don't think they even put it on the calendar.

Q. And isn't it true that in the suit that the National Maritime Union brought against you it was charged that the things unlawfully in your

(Testimony of Peter J. Innes.)

possession included minutes of meetings, letters, records of purchases and sales, books of account, sales slips, receipts, vouchers, due stubs, dues receipt books and union books and documents?

Presiding Inspector: Just a moment. What materiality has that unless it is admitted that there was a judgment?

Mr. Gladstein: I am not able to say at this time, your Honor, whether an actual judgment was obtained.

Presiding Inspector: Then, we better not go into it until you find out. If he admits it in his answer, that will be all right.

Mr. Gladstein: It is my belief—well, I could ask him that. I am simply asking him whether he was charged with—

Presiding Inspector: (Interposing) Well, what he was charged with wouldn't make any difference. I might charge anyone with any offense.

Mr. Gladstein: Well, I will put it this way:

By Mr. Gladstein:

Q. You did have certain materials in your possession, [2216] did you not?

A. Well, you will have to tell me what you mean by "materials".

Q. Well, did you have—

Presiding Inspector: (Interposing). Papers?

The Witness: I had a twenty-year collection of Communist Party literature, if that is what they are talking about. I would like to know what he means by "materials".

(Testimony of Peter J. Innes.)

Presiding Inspector: You had papers?

The Witness: I had papers in my possession, yes, sir.

By Mr. Gladstein:

Q. Did you have letters that were connected with the Union?

A. I had letters written personally to me, yes, in which union matters might be discussed.

Q. Did you have minutes of meetings?

Mr. Del Guercio: If your Honor please, I will object to this line of questioning. Are we going to try that suit here?

Presiding Inspector: I don't know; I don't think so, but I think, I will let the witness answer.

A. Yes, I had minutes of meetings.

By Mr. Gladstein:

Q. Did you have records of purchases and sales of the union? A. I did not— [2217]

Presiding Inspector: (Interposing) Just a moment.

According to the argument, or contention, as I surmise it, it is claimed that some illegal act was done here, some criminal act, and that might affect his credibility if it is proved. Therefore, I will allow this testimony as bearing on credibility.

Mr. Del Guercio: I assume that counsel is reading from the transcript that was filed.

Presiding Inspector: Well, I know, but the complaint itself isn't of any—that is merely a charge in a civil suit for damages, suppose.

(Testimony of Peter J. Innes.)

Mr. Gladstein: It is an affidavit.

Presiding Inspector: Or for the possession of these articles.

Mr. Gladstein: It is an affidavit to replevin certain union property.

Presiding Inspector: I will ask you for information off the record.

(Discussion off the record.)

By Mr. Gladstein:

Q. Now, the suit that you brought against the union was based on, among other things, the fact that the union had officially accused you of stealing union property, of accepting rake-offs, of accepting the highest bid when you should have accepted the lowest bid as a trusted union official, and [2218] of engaging in other activities of a similar nature; isn't that true?

A. That was one of the complaints, yes, one of many.

Q. You were prior to the time that you left the National Maritime Union occupying the position known as purchasing agent, weren't you?

A. That was one of the positions I occupied in my service in the union, yes.

Presiding Inspector: Mr. Gladstein, I don't wish you to misunderstand my ruling. I don't prevent your examining him as to the facts, but using the complaint ~~in~~ this as proof of the facts, that is all.

(Testimony of Peter J. Innes.)

Mr. Gladstein: I understand, I understand.

By Mr. Gladstein:

Q. Now, I think I asked you whether you had ever been a member of the Communist Party. You said "No." A. That is correct.

Q. You have never taken orders from them?

A. (No response).

Q. You have never taken orders from them?

A. You will have to explain what you mean by "taking orders from them."

Q. Have you taken orders from the Communist Party?

A. Well, you will have to explain that question.

Q. Don't you understand it? [2219]

A. No, not the way it is delivered, I don't. I have taken orders from people who are members of the Communist Party, if that is what you mean.

Q. Well, have you ever taken orders from the Communist Party in the sense that a member of the Communist Party would take and carry out their orders? A. No.

Q. You said a while ago that Mervin Rathborne was a Communist. A. That is right.

Q. You said he was a member of the Communist Party. A. That is right.

Q. You said you knew it.

A. I don't know whether I said it or not that way. You will have to have it read back.

Q. Do you know it?

(Testimony of Peter J. Innes.)

A. Do I know that he is a member of the Communist Party?

Q. Yes, sir.

A. You mean by seeing his membership book or a card or something like that?

Q. Can't you answer the question? Do you know?

A. Well, I don't know how you mean the thing. Do I know it? You mean have I seen physical proof of it?

Presiding Inspector: No; just as you would know things in [2220] ordinary life.

The Witness: Yes, as I know things in ordinary life, yes, I know it.

By Mr. Gladstein:

Q. You have knowledge of it? A. Yes.

Q. What is that knowledge? A. Well—

Q. This is first-hand knowledge now?

A. I didn't find out such a thing.

Presiding Inspector: No, any kind of knowledge.

The Witness: I asked you to explain that.

Presiding Inspector: What you would call knowledge in things of ordinary life.

The Witness: I would—

Presiding Inspector (Interposing): You know the witness asked you to explain it.

Mr. Gladstein: Well, I will put it this way.

Presiding Inspector: No, it is on the record now.

(Testimony of Peter J. Innes.)

Mr. Gladstein: I don't care what is on the record. I asked him the question do you know.

Presiding Inspector: I will stop the examination and ask the question that you asked.

~~How do you know it?~~

The Witness: I know it the same as I know that certain [2221] people are members of other groups. I know it from the fact that Mervin Rathborne has met with Roy Hudson. I know it from the fact that Mervin Rathborne takes orders from Tommy Ray when he was an official of the union, that is, Rathborne. I know it from the fact he takes orders from Roy Pyle who directs operations and who was an admitted member of the Party.

By Mr. Gladstein:

Q. You say you know it among other reason because Rathborne met with Hudson?

A. Rathborne met with Hudson and took orders from him, yes.

Q. Did you ever meet with Hudson?

A. Have I ever met Hudson?

Q. Yes.

A. I have met Hudson; certainly I have met him.

Q. Did you ever meet with Hudson?

A. I have been present, but any meetings that I was present with the hierarchy of the Party, or directors, would be—I was not allowed to participate in the discussion. I was very quickly shut up.

(Testimony of Peter J. Innes.)

Q. Well, were you present in Communist meetings with Hudson?

A. In Communist meetings? Yes, I attended one fraction meeting in 1936, in my hunting for Patrick Whelan, I walked into a Firemen's Section of the Communist Party headquarters, [2222] the first time I was ever inside of the joint and the last time, and Hudson was present, or came in during that meeting, and Tommy Ray was the Chairman of the meeting dictating as to who were to be the delegates from there to the C. P. Convention.

Q. How long were you at that meeting?

A. Well, I couldn't get out after I got in until the meeting got going. I would assume I was there an hour and a half or two hours. That is when they asked me to join the Party; I refused.

Q. Did you engage in the discussion?

A. I did not.

Q. When was that?

A. That was the early part of June 1936. To the best of my recollection it was either the last week in May or the early part of June.

Q. That was a Communist fraction meeting?

A. That was a Communist fraction meeting held on West—or East 13th Street in the C. P. headquarters.

Q. Did you ever meet with Hudson at a Communist meeting?

A. In a Communist meeting?

Q. Yes.

A. No.

(Testimony of Peter J. Innes.)

Q. I mean a Communist fraction meeting?

A. Well, I don't know what you would call a fraction. [2223] I have met when the—as I stated before when the hierarchy were all together. I was, you might say, the only outsider that was present.

Q. Well, we have had testimony here, for your benefit, Mr. Innes, about meetings which are called fraction meetings, and testimony that these meetings are Communist meetings.

Now, have you, with the exception of the one you have just told us about, ever met with Roy Hudson in any fraction or Communist meeting since that time?

A. As I stated before, I don't know what you would call them. I am not that much acquainted with it. During the strike when the top shots of the Communist Party, like the meeting in Bridges' room in the Victoria Hotel, now, if you want to call that a fraction meet, I met various Communist Party members at a fraction meeting. I would call it just a place where you got your general orders and carried them out.

Q. Well, now, was Hudson there in the Victoria Hotel?

A. I don't exactly remember. I would have to give that some thought for a moment.

Q. Well, think about it.

A. I believe he came into the Victoria Hotel while we were in there.

(Testimony of Peter J. Innes.)

Q. Well, then, you would say he was at that meeting?

A. What is that? I would say he was at that meeting? That is correct. [2224]

Q. That makes two meetings you had with Hudson? A. That is right.

Q. Any others?

A. Yes; one here in San Francisco when Joe Curran was out here.

Q. When was that?

A. October, 1936.

Q. When in October?

A. Curran arrived here either October the 20th or the 21st—

Q. (Interposing): Did you have a—excuse me.

A. (Continuing): Of October. You asked me: I am trying to answer you.

Q. Excuse me. I withdraw that. Go ahead.

A. In 1936; it was either October the 20th or 21st.

Q. But you had a meeting with—

A. (Interposing): I didn't say that I had the meeting with Hudson. I said that is the date that Curran arrived here.

Q. Well, when did you have your meeting with Hudson?

A. I believe it was the next night in Mervin Rathborne's house up on Pine Street.

Q. Was it a Communist meeting?

A. In the sense that you have just defined a Communist Party meeting I would say it was.

(Testimony of Peter J. Innes.)

Q. Were you a Communist then? [2225]

A. I have stated I never belonged to the Party?

Q. Well, then, you said a little while ago that one reason, among others, that you know that Rathborne was a Communist was because he met with Hudson. Now, your meeting with Hudson in this kind of a meeting that you have described didn't make you a member of the Communist Party, did it?

A. No, because I didn't take orders from Hudson?

Q. Where is the Victoria Hotel located?

A. The Victoria Hotel is across the street from the Taft, which, I believe, is—I will tell you exactly where it is at. It is on Seventh Avenue and 52nd Street, in New York City.

Q. When were you first contacted by the FBI to testify in this case? — A. In October 1940.

Q. And where did this contact occur?

A. The contact occurred at my residence.

Q. Where?

A. I don't believe I am required to give my address, except that it took place in New York.

Presiding Inspector: I don't see any harm in it.

The Witness: Well, you don't understand the Communist Party, your Honor.

Presiding Inspector: No, perhaps I don't, but I understand the rules of examining witnesses. I think you may answer. [2226]

The Witness: All right, it was on 52nd Street

(Testimony of Peter J. Innes.)

in New York City, the West side; they came to my home.

By Mr. Gladstein:

Q. What was the address, please?

A. 309 West 52nd Street. [2227]

Q. Who came? A. The agents' names?

Q. If you remember?

A. I don't think I am required to answer the agents' names except I know they were representatives of the Federal Bureau of Investigation. They identified themselves.

Presiding Inspector: If you can, you better give the name, if you know the name.

The Witness: I know the name of one of the agents.

Presiding Inspector: Well, tell us the name.

The Witness: His name was Maller, M-a-l-l-e-y.

By Mr. Gladstein:

Q. Do you recall the name of the other?

A. I do not.

Q. How long were they there?

A. I should judge probably 20 to 25 minutes.

Q. What occurred? A. They asked me—

Mr. Del Guercio: If your Honor please, what occurred with respect to what? Are we going all over again as to everything that occurred?

Presiding Inspector: Probably.

Mr. Del Guercio: Or limit it to some kind of an examination here?

Presiding Inspector: Oh, well— [2228]

(Testimony of Peter J. Innes.)

Mr. Gladstein (Interposing): You will recall, your Honor, I introduced this line of questioning by asking the witness when he was first asked to give information concerning Bridges.

Presiding Inspector: Yes. It is about that subject?

Mr. Gladstein: It is obviously that.

By Mr. Gladstein:

Q. Didn't you so understand it, Mr. Innes?

A. Well, if that is what you claim, that is the way I will understand it, answer it.

Q. Did you or did you not so understand it?

Presiding Inspector: You understand it now?

The Witness: I understand it now, yes, your Honor.

By Mr. Gladstein:

Q. All right. Now, tell us what took place.

A. Agent Malley asked me if I was the Peter Innes that testified before the Dies Committee and I said I was, and he asked me if I knew that the Department of Justice was investigating an Alien by the name of Harry Bridges and I said I had read something of the matter in the newspaper, and he then asked me if I would be willing to go to their office and tell them anything I might know concerning Bridges, or answer their questions, and I said I was perfectly willing to go to their office, and I did that.

Q. Did they take a statement from you at that time? [2229]

A. They did.

(Testimony of Peter J. Innes.)

Q. Did you sign it? A. I did.

Q. When is the next time that you met with any representatives of the FBI?

A. The day that I left New York City when I was informed by my commanding officer to report to Agent Malley at the FBI office.

Q. Now, prior to the time that you met with the FBI, outside of the testimony you gave before the Dies Committee, did you ever give any statements as to what you knew about Harry Bridges?

A. To who?

Q. To anybody?

A. Why, I might have; I don't know.

Q. Do you recall any?

A. Why, in the general course of conversation, why, I might say something about Bridges.

Q. No; I mean did you give any comprehensive statements with respect to what you claimed to know as to Bridges' political affiliations?

A. To who?

Q. To anybody? A. I don't remember.

Q. Any written statements? [2230]

A. I don't remember that either.

Q. Did you ever talk to the Immigration and Naturalization Service or representatives from it?

A. No; not until they served a subpoena on me to come out here.

Q. At the time that you were first contacted by the FBI at the New York address that you have just given were you living there alone or with anyone else? A. I was living alone.

(Testimony of Peter J. Innes.)

Q. I think you said that when Bridges went back East he went there with Merriweather?

A. I believe it was Merriweather.

Q. Who was he?

A. Merriweather was the head of the MEBA here in San Francisco, Marine Engineers Beneficial Association.

Q. And I think you said that you drove Bridges and Merriweather up to the hotel?

A. No, I didn't. I said that Bridges rode in the car with Curran and myself to the hotel; I didn't drive.

Q. Well, where did Merriweather go?

A. I don't recall whether he rode with us or whether he went on up on some other business to the MEBA office.

Q. Do you know whether Merriweather went to the same hotel that Bridges went to?

A. That is something I couldn't answer except I know [2231] that the day we left for Baltimore or the day we left for Boston and Baltimore that Merriweather was in the room when I arrived there. Whether he was living there or not I don't know.

Q. In the Victoria Hotel?

A. In the Victoria, that is correct.

Q. In whose room was that now?

A. It was the room that Bridges had, but whether Merriweather was living at the hotel or living with Bridges, I don't know.

(Testimony of Peter J. Innes.)

Q. Were you present when Bridges registered at the hotel?

A. I think I stayed outside to talk to the two bodyguards that men—that were uptown or—yes, they came to the place and I talked to them. That was Walter Carney and Bill Cunningham. They were to be assigned to Bridges.

Q. Now, you mentioned this morning that one of the things that you discussed in the teletype system with the East, with —New York, was the question of expenses. Will you elaborate on that a little bit, Mr. Innes, and tell us how that happened to come up and what you did about it?

A. I never made no such testimony here.

Q. I mean expenses for Bridges' trip to Madison Square Garden?

A. I never made any such testimony here that I teletyped [2232] or communicated on the teletype with New York concerning Bridges' expenses.

Q. Did you have anything to do with that at all?

A. I said I never made any such testimony here.

Q. Let me ask you this: Did you do anything or commit any act of any kind in connection with arranging for obtaining expenses for the trip that Bridges was to take to the Madison Square Garden?

Presiding Inspector: In advance, you mean?

Mr. Gladstein: Yes.

A. From Frisco to New York?

Mr. Gladstein: From any place?

A. I paid his expenses from New York to Boston by plane and I paid his expenses from New York to

(Testimony of Peter J. Innes.)

1 Baltimore by train. That is the only arrangements I made concerning his expenses. I paid it out of strike fund money that I had with me.

Presiding Inspector: I don't think Mr. Gladstein is asking you about that.

By Mr. Gladstein:

Q. I am asking you, now, Mr. Innes, about the question of expenses before Bridges left the West Coast.

A. I had nothing to do with his leaving the West Coast. As I stated before I could not, or I did not make the arrangements for him to leave here to go to go to New York. [2233]

By Mr. Gladstein:

Q. I want to know now whether you ever communicated with New York, anyone in New York, communicated in any form prior to Bridges leaving San Francisco for the Madison Square Garden meeting on the subject of Bridges' expenses and how they would be met?

A. All I know is what I communicated by teletype to Mervin Rathborne in New York City that they would pay his expenses. Aside from that I didn't know a thing about it. I had nothing to do with it; I made no arrangements and I don't know.

Q. Where you when you delivered that communication to Rathborne?

A. The teletype says San Pedro and I sent it from there; I assume that I was there.

(Testimony of Peter J. Innes.)

Q. Where was Rathborne when you sent that message to him?

A. Well, he got it in San Francisco. He may have been over in Oakland; I don't know.

Q. And do you recall what the subject of that was, what it said?

Presiding Inspector: We have been all over that.

A. You read it to me out of the record there.

Presiding Inspector: Haven't we been all over that?

Mr. Gladstein: I don't know if I have. [2234]

The Witness: You read it out of the Dies Committee report.

Presiding Inspector: You read the teletype.

By Mr. Gladstein:

Q. Now, Mr. Innes, some of the things which the National Maritime Union was attempting to replevin from you in the suit brought against you were letters and other written documents which you had obtained from the apartment of Joe Curran; isn't that right?

Mr. Del Guercio: Now, if your Honor please, that has been gone over before.

Mr. Gladstein: ~~Not~~ that way.

Presiding Inspector: I don't think quite that way. It has been rather——

Mr. Del Guercio: (Interposing) In a little different form.

Presiding Inspector: I will allow it.

(Testimony of Peter J. Innes.)

A. I wouldn't say that. The bill of complaint didn't mention Joe Curran's apartment.

By Mr. Gladstein:

Q. Did you have in your possession letters or other documents which you had obtained from the apartment of Joe Curran?

A. When?

Q. At the time that you were sued?

Mr. Del Guercio: Now, just a minute, please.

[2235]

Your Honor I want to know if counsel here was reading from the complaint at the time—

Presiding Inspector: (Interposing) Well, he can't use the complaint.

Mr. Del Guercio: I beg your pardon?

Presiding Inspector: He can't use it. As I understand, he is not now using the complaint.

Mr. Del Guercio: He says the complaint mentions — Joe Curran's name, he took something from Joe Curran's apartment.

Presiding Inspector: Didn't the witness say that Joe Curran's name was not mentioned in the complaint?

The Witness: That is right, sir.

Presiding Inspector: The witness said that.

Mr. Gladstein: I don't know. I still have a question that I am asking. Would you hear the question?

Presiding Inspector: Certainly, I will hear the question.

(Testimony of Peter J. Innes.)

The Witness: When are you talking about?

Presiding Inspector: Now, wait; let's get the question. Let's hear the question.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: I will allow it.

The Witness: You say Joe Curran's apartment or otherwise? Am I correct there, Mr. Gladstein?

[2236]

Mr. Gladstein: Yes, sir.

Presiding Inspector: Did you have letters or documents which you obtained from the apartment of Joe Curran and did you have them in your possession?

The Witness: At the time I was served.

Presiding Inspector: (Interposing) At the time suit was brought?

The Witness: At the time suit was brought?

Presiding Inspector: I don't know why-that is particularly material.

The Witness: No, I didn't have them in my possession at the time the suit was brought.

By Mr. Gladstein:

Q. Had you previously had them in your possession?

A. Documents that had formerly been in Joe Curran's apartment?

Q. Yes. A. Yes, sir.

Q. Did you dispose of those documents?

A. No.

Q. Did you give them to somebody?

(Testimony of Peter J. Innes.)

A. No.

Q. Well, you say that at one time they were in your possession, that thereafter they were not?

A. They were not at the time the suit was brought; that is what you asked me. [2237]

Q. All right. Will you explain the circumstances under which you gave up possession of those documents?

A. I didn't give up possession. They were in the safe deposit box.

Q. Where was the safe deposit box?

A. I refuse to answer that on the grounds I have a suit pending in New York which the Court will decide, whether or not I have to surrender those documents.

Q. Was this a safe deposit box which you had arranged for your safe keeping of the documents?

A. That is correct. [2238]

Q. Is it correct then that since the date that you obtained these letters and documents, whatever they were, from Joe Curran's apartment they have always been either in your possession or in the place where you had then stored?

A. No.

Q. At any time have they been in somebody else's possession?

A. Correct.

Q. Whose?

A. They were in the possession of the Dies Committee.

Q. Who delivered them to the Dies Committee?

A. I believe Jerry King or Ralph Emerson did.

Q. How was that arranged?

(Testimony of Peter J. Innes.)

A. That was arranged when they asked me if they could have the use of them for the Dies Committee, and I told them "Absolutely."

Q. Can you describe in a general way what these documents and letters were?

A. Yes. You mean the ones from Joe Curran's apartment.

Q. Yes.

A. They were original copies of the reports that I had made to Joseph Curran while I was on the Pacific Coast. He had ordered Carney and myself to go up to his apartment and destroy the financial records of the strike, and in the course [2239] of destroying those records I came across these original reports that I had made and, as I had the carbon copies, I put the originals in my pocket, and still have them. I didn't burn them up with the financial records.

Q. You were asked by him to go up and destroy those things?

A. By Curran?

Q. Yes.

A. We were told to go up and burn them up.

Q. And instead of which you took them?

A. I didn't take the financial records. I destroyed them.

Q. But you—

A. (Interposing) As long as the original reports were of no value to him, and he wanted them burned up, I put them with my carbon copies and still have them.

Q. Instead of which you took them, correct?

(Testimony of Peter J. Innes.)

A. Yes, I took them.

Q. Is it your testimony that the only thing that you took were the originals of the reports and letters that you had sent to Curran?

A. That is correct.

Mr. Del Guercio: Just a minute.

Presiding Inspector: He said "Yes."

Mr. Del Guercio: That has been asked and answered. [2240]

The Witness: That is all I took.

Mr. Del Guercio: Wait until the Court rules.

Presiding Inspector: I will allow it. He said that was all he took from that place.

By Mr. Gladstein:

Q. That was from Joe Curran's apartment?

A. Yes; it was a furnished room.

Q. You didn't take any financial or strike records, or Union records, from there?

A. No, sir.

Q. Did you take any financial or strike, or union records from any other place?

A. No, sir.

Q. From the Union itself?

A. No, sir.

Q. Would it be correct to say that you have never supplied to Jerry King, or Emerson, or William McCuiston, or anybody else, any Union records, or strike records, or financial records of the NMU or the Marine Firemen?

A. NMU or the Marine Firemen?

(Testimony of Peter J. Innes.)

Q. That is right.

A. You say Union records? I want to get it straight now before I answer it.

I will have to have you say that again.

Mr. Gladstein: Read the question. [2241]

Presiding — Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

Mr. Del Guercio: I think the question is too confusing.

Presiding Inspector: If the witness understands it he may answer.

A. The answer is "No." I never supplied any Union records. —

By Mr. Gladstein:

Q. Mr. Innes, could you, in a brief way, state what your attitude is toward the Communist Party?

Mr. Del Guercio: If your Honor please, I submit that question is improper. The witness here has testified he never belonged to the Communist Party. It isn't an issue here as to what he believes about the Communist Party.

Mr. Gladstein: It is material.

Presiding Inspector: It is?

Mr. Gladstein: I think it is.

Presiding Inspector. It might possibly have some bearing on his credibility or bias.

"Yes" or "no", can you state in a word what your attitude is toward the Communist Party?

The Witness: Can I state it?

(Testimony of Peter J. Innes.)

Presiding Inspector: Yes. Just a minute. Are you asking me. I am asking you whether you can state it, whether you are able [2242] to state it.

The Witness: Well, I am able to state my opinion of the Communist Party but—

Presiding Inspector: Are you interested in his opinion?

Mr. Gladstein: Yes.

Presiding Inspector: Do you want it?

Mr. Gladstein: Sure.

Mr. Del Guercio: If your Honor please, I don't believe that the witness' opinion of the Communist Party is proper.

Presiding Inspector: It is his attitude and I suppose it is based on his opinion.

Mr. Del Guercio: Do we want to get into his opinion of the Communist Party?

Presiding Inspector: Well, his opinion of it might be one of love and friendship, or maybe to the contrary. On the other hand, it might be one of indifference. If he can state it we will take it.

A. I think that anybody who belongs to the Communist Party, that Congress ought to vote an appropriation and an escort and send them to Russia where they can do what they want—that is my opinion.

Presiding Inspector: That is quite definite.

By Mr. Gladstein:

Q. Did you think the same thing during 1936?

A. The latter part of 1936, yes; and the early part of [2243] 1936 I had formed no opinion except

(Testimony of Peter J. Innes.)

I stated I would not join the Party because I didn't believe in its policies or politics.

Q. Can you state in a general and brief way what your attitude is towards Harry Bridges?

A. I got nothing against Harry Bridges. In fact, I think I still owe him twenty bucks that he loaned me.

Presiding Inspector: Does that generate hostility?

The Witness: I don't think so.

By Mr. Gladstein:

Q. What attitude do you have concerning his policies in the trade union movement?

A. I don't think, as I am not a member, or ever was a member of his union, I can state my attitude toward his policies in his union.

Q. That is the only reason that you feel you are disqualified, because you have never been a long-shoreman?

A. I am not qualified to answer statements as to policies in the ILWU because I never belonged to it.

Q. I am asking you what your attitude is concerning his policies in so far as they affect the labor movement?

A. At the present day?

Q. Today, or at any time heretofore.

A. Well, at one time I used to think his policies were all right, but starting in 1936 I didn't agree

(Testimony of Peter J. Innes.)

with him any more; and I still don't agree with his policies regarding the labor [2244] movement today.

Q. Has this disagreement been pretty continuous since the time it began? A. Yes.

Q. You think his policies are bad for the labor movement.

A. I think I just expressed that opinion.

Q. That is what you meant to say?

A. That is right.

Q. Do you think he ought to be deported?

A. I refuse to answer that. That is not for me to decide.

Mr. Gladstein: I think I should have an answer to that question.

Mr. Del Guercio: I think the answer is clear enough.

Presiding Inspector: I don't think that is quite proper. You have asked whether he has any hostility. I do not think he should form a judgment as to—

Mr. Gladstein: I will put it this way, your Honor.

By Mr. Gladstein:

Q. Do you think that the labor movement in America would be better off if Bridges were out of the country?

Mr. Del Guercio: I object to that question, if your Honor please.

Mr. Gladstein: It goes to the question of his attitude, [2245] the attitude of the witness.

Presiding Inspector: He has expressed it pretty fully, hasn't he?

(Testimony of Peter J. Innes.)

Mr. Gladstein: But he hasn't answered the question, and if he can answer I think I am entitled to the answer.

Presiding Inspector: Just a moment. Let me think about it.

I really don't think it has much bearing.

Mr. Gladstein: Why?

Presiding Inspector: If you really want to know this witness' attitude in this respect I think I will let him state it.

Mr. Del Guercio: May I be heard?

Presiding Inspector: I do not think it is necessary for you to be heard.

Mr. Del Guercio: You don't?

Presiding Inspector: No.

The Witness: May I have the question again, please?

Presiding Inspector: The question is this: Do you think the labor movement would be improved by the removal of Mr. Bridges from the country?

A. I will answer, but I want it understood, with qualifications that, as I have stated before, I have no personal animosity toward Bridges, but I think the Country and the labor movement as a whole—if it is proven to this Board that what I [2246] contend is correct—that the country would be better off without him.

Presiding Inspector: That is your answer.

Mr. Gladstein: That is what I thought the answer would be and I wanted it.

Mr. Del Guercio: Are you disappointed.

(Testimony of Peter J. Innes.)

Mr. Gladstein: I don't feel disappointed.

Your Honor, there are some things that I would like to have an opportunity to check on this witness. He was put on late this morning. He comes from New York City. We have not had an opportunity to check on this witness. While I will not say that he is a surprise witness—

Presiding Inspector: I wouldn't think so.

Mr. Gladstein: No—nevertheless, we would like, in view of the testimony that he gave today, to have an opportunity to study the transcript and make a check, and we would like to have him remain over until Monday morning.

Mr. Del Guercio: If the Court please, I object strenuously to that procedure. The witness is here. Counsel has admitted that he has not been taken by surprise. They have a lot of records and apparently had everything that they thought they wanted here concerning this witness, and to make this claim now I believe is unreasonable.

Presiding Inspector: I will treat their witnesses when you ask, if you do, in the same way. [2247]

Mr. Del Guercio: I object on the further ground—

Presiding Inspector: We will go on tomorrow morning and you can finish the examination tomorrow morning.

Mr. Gladstein: I doubt, if Your Honor please, whether between now and tomorrow morning we will get the information we want. You remember this witness comes from New York.

(Testimony of Peter J. Innes)

Presiding Inspector: I know. There is a teletype between here and New York.

Mr. Gladstein: Yes.

Presiding Inspector: How long have you been in the Army?

The Witness: I have been in the Army since February, your Honor, and I am under orders to report back in time to go to Washington the first of the month.

Mr. Gladstein: When, the first of the month?

The Witness: I have to be in Washington.

Mr. Gladstein: He will certainly be back by that time. You, no doubt, were released to come out here and stay during the hearing, whatever time was necessary, under Court orders?

The Witness: I was detached to come here to answer a subpoena. At the same time there was a set of orders made out the early part of the month for me to go to Washington.

Mr. Gladstein: If he was released to testify here I suppose it was with the understanding that he—

Presiding Inspector: I think you had better keep him over until Monday morning. [2248]

We will now take a recess until Monday morning at ten o'clock.

(Whereupon, at 4:05 P. M. an adjournment was taken until Monday, April 28, 1941, at 10:00 A. M.) [2249]

Court Room 276,
Federal Building,
San Francisco, California,
April 28, 1941.

Met, pursuant to adjournment, at 10:00 A. M.
[2250]

PROCEEDINGS

Presiding Inspector: Mr. Del Guercio, will you call back the witness.

Mr. Del Guercio: Mr. Innes is here.

Mr. Gladstein: Take the stand, please.

In connection with Mr. Innes, we have no new subjects---

Presiding Inspector: Pardon?

Mr. Gladstein: (Continuing) —we have no subjects, no new subjects to which we want to inquire, but there are a few places in the record that we would like to have clarified. The questions will be very brief.

Presiding Inspector: Very well.

PETER J. INNES

called as a witness on behalf of the Government, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

By Mr. Gladstein:

Q. You mentioned in your testimony that when you first came to the west coast you met Mr. King. You had reference to Earl King?

(Testimony of Peter J. Innes.)

A. Yes, Earl King, Secretary of the Firemen's Union.

Q. And he introduced you to Mr. Schmidt, Mr. Rathborne, Mr. O'Neil and Mr. Bridges?

A. In the course of the week that I saw him, before he was arrested, he introduced me to various people on the coast [2251] here.

Q. What were the Union positions, or in what connection were the men whose names have just been mentioned, connected with the trade union movement on the West Coast?

A. Well, at that particular time, as I stated, King was Secretary of the Firemen's Union. I don't recollect exactly the position that Henry Schmidt held, except he was connected with the ILA in some capacity. Rathborne was Secretary of District Council No. 4 of the Federation of the Pacific. Mr. Bridges was President of the ILA out here, of course. Gene Burke was Secretary or Treasurer of the Cooks and Stewards.

Aside from that I don't quite get what you are driving at.

Q. You omitted Mr. O'Neill. What was his position?

A. Jim O'Neill?

Q. Yes?

A. He was a member of the Negotiating Committee of the Firemen's Union.

Q. All right. Now, when you left for New York how did you go, by plane, train or auto?

A. You mean the trip in December?

Q. To the Madison Square Garden meeting.

(Testimony of Peter J. Innes.)

A. I went by train.

Q. Do you remember when you left?

A. Well, I know I got—I think it was the Golden State Limited, I believe it was, out of Los Angeles and it was [2252] the train that arrived in New York on December 13th.

Presiding Inspector: That was Sunday?

The Witness: Yes, sir; Sunday, December the 13th.

By Mr. Gladstein:

Q. Now, I just want to summarize this and see if this is correct. Is it a correct summary of your testimony that after you got to New York at this Victoria Hotel gathering Mr. Bridges' itinerary or tour was arranged and that he was to go to Philadelphia, Boston and Baltimore as well as to speak in New York.

Mr. Del Guercio: Just a minute! I object to that, if your Honor please. I object to the form of the question summarizing the evidence.

Presiding Inspector: Well, I suppose—is this just the end?

Mr. Gladstein: That is all. I want a summary on that to see if that is correct.

Mr. Del Guercio: He has already testified concerning the matter.

Presiding Inspector: I don't think it will harm just to take this question.

A. Do I understand the question to be if that is the itinerary that was laid out?

(Testimony of Peter J. Innes.)

By Mr. Gladstein:

Q. I don't mean in order.

A. No, but if that was the itinerary that was laid out? [2253]

Q. Yes. A. That is correct.

Q. All right. Now, you mentioned that Mr. Bridges received some four or five hundred dollars.

Do you recall that testimony?

A. After the Madison Square Garden meeting?

Q. That is what you meant, is it? That is what you meant?

A. That after the meeting he received four or five hundred dollars?

Q. Yes. A. That is correct.

Q. What was that money for?

A. It was supposed to be to pay his expenses, or that was in payment of his expenses from the Pacific Coast along the Atlantic and back to the Pacific.

Q. That would include traveling expenses?

A. I would assume as much.

Q. Had there been open disagreement between you and some of the leaders in the West Coast Unions beginning some time in November, 1936, concerning your policy of handling the East Coast strikers who were in San Pedro?

Mr. Del Guercio: Just a minute! I object to that question, your Honor.

Presiding Inspector: This is new matter.

Mr. Del Guercio: Being irrelevant and immaterial to [2254] the issues in this case.

(Testimony of Peter J. Innes.)

Mr. Gladstein: I don't see how it could be irrelevant and immaterial. It would definitely go to credibility. I think this is a preliminary question which within a question or two will clearly reveal its materiality.

Presiding Inspector: I don't see it at present but, as you say, it is preliminary. I will let you have it.

Mr. Gladstein: Thank you.

Presiding Inspector: On your statement, subject to a motion to strike out.

By Mr. Gladstein:

Q. You want the question read?

A. No. I think you asked me if there had been open disagreement between me and various West Coast leaders early in November due to my policy in handling the East Coast strikers.

Presiding Inspector: No, in November.

By Mr. Gladstein:

Q. In late November. Some time in November, let us put it.

A. With qualifications, yes. The disagreement was not open. The disagreement that I had with the various leaders on the Pacific Coast took place at strategy meetings, but it was not open where it would appear to the strikers.

Q. Now, isn't it a fact that at a meeting of San Francisco District Council of the Maritime Federation you had an [2255] open split on the question of whether you were going to tie up certain ships?

A. When did this take place?

(Testimony of Peter J. Innes.)

Q. Some time in November 1936 or earlier.

A. I don't recollect.

Q. Did I understand you to say that you paid the fare for Bridges in one or more of his trips when he was in the east to—

Mr. Del Guercio: (Interposing) Just a minute!

Mr. Gladstein: I haven't finished yet.

Mr. Del Guercio: I move to strike the questions and answers regarding the witness' disagreement.

Presiding Inspector: I don't see that it has the slightest materiality so far.

Mr. Gladstein: Does your Honor wish to hear argument on the motion to strike?

Presiding Inspector: Well, I would like to know why it is material.

Mr. Gladstein: All right. I will tell you why. It is apparent from the witness' answer, first, that there had been some disagreement in November, 1936; secondly, that he doesn't recall, but we will prove that he was practically thrown out of the meeting in November 1936—

Presiding Inspector: (Interposing) I am not sure that you will prove that. You might offer to prove it. Whether [2256] you prove it is another matter.

Mr. Gladstein: We will offer to prove that he was almost thrown out of a meeting in November, 1936, because of his disagreement with policy. In view of such disagreements we are going to ask your Honor to weigh the testimony of this witness as to the extremely confidential types of telephone

(Testimony of Peter J. Innes.)

and other types of communications that he claims to have participated in; and for that reason it is material.

Presiding Inspector: I still don't see any pertinency to it.

Mr. Gladstein: Well, if your Honor please, if I have an open disagreement with Mr. Del Guercio and he and I are obviously hostile to each other on Union or other types of policy, the question is whether it is credible that I would allow Mr. Del Guercio to participate in alleged confidential phone communications to which I am supposed to be a party. That is the question.

Presiding Inspector: You would have to go much farther than you have gone to show that.

Mr. Gladstein: The witness says he has no recollection.

Mr. Del Guercio: That doesn't prove anything, if your Honor please.

Presiding Inspector: That doesn't show that there is anything at all.

Mr. Gladstein: But why should it be stricken out in [2257] view of the fact that we are entitled to an opportunity to establish the thing that the witness says he has no recollection about?

Presiding Inspector: I am just not sure that it is competent to show it by any means.

Mr. Gladstein: It is a question of showing hostility or violence.

Presiding Inspector: Suppose there is hostility? What difference does it make?

(Testimony of Peter J. Innes.)

Mr. Gladstein: Is your Honor inferring that if the witness is hostile it doesn't make any difference what the question is?

Presiding Inspector: I will answer that when you put it in a courteous way.

Mr. Gladstein: I am sorry. I mean to be courteous.

Presiding Inspector: It didn't sound courteous.

Mr. Gladstein: I will withdraw the tone of the remark. But isn't the hostility of the witness to be taken into consideration by the Presiding Magistrate?

Presiding Inspector: To certain bodies, certainly, but in this Union undoubtedly there would be disagreement with different people. You might say to the other people, Didn't they agree with this witness? "Didn't you disagree violently with this witness?" What does it all amount to? You have got to go farther. [2258]

Mr. Gladstein: How much farther would your Honor say I would have to go?

Presiding Inspector: I don't know how much farther.

Mr. Gladstein: I don't know what, in addition, you have to show on that, your Honor.

Presiding Inspector: I don't think it makes any difference. We will let it stand. So far the testimony, in my judgment, doesn't amount to anything. So far, you understand?

Mr. Gladstein: I understand.

I think I propounded a question, or started a

(Testimony of Peter J. Innes.)

question, to which there was no answer. I will withdraw that question and put it another way.

By Mr. Gladstein:

Q. When you were in the east did you pay any of the fare or expenses of Mr. Bridges on any of his itinerary? A. I did.

Q. When, and which ones, please?

A. I paid the plane fare for him and Joe Curran and myself to Boston, Massachusetts.

Q. From where to Boston?

A. From New York to Boston.

Q. All right.

A. I paid the expenses of the auto from Boston to New [2259] York. I paid the railroad fare from New York to Baltimore.

Q. From whom did you get the money, if any one?

A. I had, when I left the Pacific Coast, \$300. That was voted to me by the strikers in San Pedro to pay my expenses, and upon my return I think I returned something like \$60 or \$70 left out of it.

Q. Would it be correct to say that the expenses or fare that you paid for Mr. Bridges came out of the \$300 that was voted by the strike committee into your possession or custody?

A. Let us get this straight. The strike committee in San Pedro that I am talking about was the east coast strike committee—it was not the strike committee of the Port of San Pedro—and it was their money. The expenses that I paid for Bridges came out of East Coast money from San Pedro.

(Testimony of Peter J. Innes.)

Q. That is, East Coast Seamen?

A. That is correct.

Q. And that money covered what, both your expenses and the fare or expense that you paid for Bridges?

A. No; that money was voted for my expenses and out of it, because the east coast strike committee was broke and couldn't advance the money to pay Bridges' expenses on the Atlantic Coast, that is, touring expenses, I paid for it.

Q. Now, I will ask you one more question. On page 8076, [2260] at the bottom of the page, of Volume 13, of the Dies Committee reports, that begins a question, which I would like to read to you, together with the answer and one or two questions thereafter, and I will simply ask you whether you gave this testimony:

"Mr. Lynch: Refreshing your recollection, Mr. Innes, with regard to telegrams and correspondence, who controlled the orders and outlined the demands which would be made for the east coast strikers?

"Mr. Innes: The demands for east coast strikers, the policy, was outlined in Bridges' office in San Francisco between Mervin Rathborne, Bridges and myself, and was transmitted to New York.

"Mr. Lynch: By telephone?

"Mr. Innes: By telegram and telephone both, and by telephone.

"Mr. Lynch: And was the arrangement for Bridges to go to New York also made by telegram and teletype?

(Testimony of Peter J. Innes.)

"Mr. Innes: Teletype."

Were those questions asked of you and those answers given by you before the Dies Committee?

A. That is correct.

Mr. Gladstein: I believe that is all, your Honor.

Presiding Inspector: Mr. Del Guercio? [2261]

Redirect Examination

By Mr. Del Guercio:

Q. Mr. Innes, you mentioned Jim O'Neil as being one of the persons to whom you were introduced by Earl King upon your arrival on the west coast. What Jim O'Neil is that? What position did he occupy?

A. The Jim O'Neil that I have in mind was a member of the Negotiating Committee of the Marine Firemen's Union and a member of that Union.

Q. Was he the Jim O'Neil that was employed as Publicity Director for the CIO in Bridges' office?

A. I wouldn't know. The Jim O'Neil that I am talking about is a great big, tall, thin fellow.

Q. Now, this testimony given before the Dies Committee, that counsel has just read to you, did anyone ask you, anyone on the Dies Committee ask you whether you had had a telephone conversation from New York regarding Bridges?

A. No. If they asked me it I would have answered it.

Mr. Del Guercio: That is all.

Mr. Gladstein: That is all.

Presiding Inspector: That is all.

(Witness excused.)

Mr. Del Guercio: Mr. O'Neil.

Presiding Inspector: Raise your right hand.

[2262]

JAMES D. O'NEIL

called as a witness on behalf of the Government,
having been first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter.

The Witness: James D. O'Neil—O'-N-e-i-l.

Direct Examination

By Mr. Del Guercio:

Q. Where do you reside, Mr. O'Neil?

A. 1275 Washington Street.

Q. Mr. O'Neil, a subpoena was served upon you on April 19, 1941, here in San Francisco to appear as a witness in this case the following morning, is that a fact?

A. I believe there were two subpoenas served on me.

Q. The first one—

A. (Interposing) The first one was to appear at 411 Sutter Street, if I am not mistaken.

Q. Were you told to appear in court the next morning?

A. I believe I was supposed to come in court.

Q. Did you appear? A. No, sir, I did not.

Q. And a second subpoena was served upon you some time later, on April 23, 1941, was it not?

A. It was.

(Testimony of James D. O'Neil.)

Q. To appear at this Court here on the same day? [2263]

A. To appear in Judge Louderback's court.

Q. No. I show you—you refused to accept service of that subpoena, did you not?

Mr. Gladstein: May we interrupt to ask whether counsel has the subpoenas?

Mr. Del Guercio: I have a copy.

Mr. Gladstein: May we see the first one you already referred to, Mr. Del Guercio?

(The document referred to was passed to Mr. Gladstein.)

Presiding Inspector: I don't exactly understand the purpose of this.

Mr. Del Guercio: To show that this witness here is a hostile witness.

Presiding Inspector: That doesn't show it. He may not be hostile when it comes to testimony.

Mr. Gladstein: I think the record should show that the first subpoena, that Mr. Del Guercio called the first subpoena, the one he handed to me when I asked for the first subpoena, though dated April 19, 1941, appears to have a service of that subpoena accepted on the 22nd day of April, 1941, and that subpoena does not say anything about appearing in court. That subpoena says that Mr. James D. O'Neil is required to attend at room 1729, 111 Sutter Street, San Francisco, California.

Now, I question whether this is a subpoena. I didn't understand that any hearing of this matter

(Testimony of James D. O'Neil.)

was taking place [2264] in room 1729 at 111 Sutter Street.

Presiding Inspector: I don't know anything about it.

Mr. Del Guercio: I don't want to give counsel here an opportunity to use this Court as a forum every time he stands up here to make a speech. If he had paid any attention to what I said he would have noted that I said I had told the witness to appear here in court at the time the subpoena was served.

Mr. Gladstein: That doesn't make it a subpoena, your Honor.

Mr. Grossman: Your Honor, if Mr. Del Guercio is to be permitted to use the term "subpoena" in asking these questions we request a legal ruling as to whether an order from the FBI to appear at the FBI offices is a subpoena; otherwise, Mr. Del Guercio is misrepresenting the facts and is not entitled to ask the witness such questions.

Presiding Inspector: It doesn't, by calling it a subpoena, make it so. He merely refers to the document.

Mr. Grossman: He should refer to it as a document. The witness is not required to answer a question about a subpoena if there is no subpoena. Your Honor has corrected us in the past many times on the basis that we had misrepresented a document or a fact to a witness in a question.

Mr. Del Guercio: Are you saying that I have misrepresented the document? [2265]

(Testimony of James D. O'Neil.)

Presiding Inspector: Just a minute—let me run this.

Mr. Grossman: All I am saying is that we don't know whether this is a subpoena or not. We think it isn't. We would like a ruling by your Honor if Mr. Del Guercio is to continue using the word "subpoena" in his questions.

Presiding Inspector: We will have it marked for identification. Mark the instrument for identification.

Mr. Del Guercio: I will offer at this time for identification a subpoena issued April 19, 1941, and served upon this witness April 22, 1941, in San Francisco.

(The document referred to was marked for identification as Government Exhibit No. 254.)

Presiding Inspector: I want to say to Mr. Grossman that—I do not remember exactly his language that he used stating, in effect, that I had charged you with introducing deceptive matter, or something of that kind. I never made that charge.

Mr. Grossman: I didn't say quite that.

Presiding Inspector: What I meant was I thought the questions were ambiguous and they had implications, which may have been very natural to you, but which I thought the witness should be warned against. I have made no charge, or accusation, and I don't want you to understand anything of that kind.

Mr. Gladstein: We understand that. But I think what Mr. Grossman had in mind, and ex-

(Testimony of James D. O'Neil.)

certainly I make this mention now, [2266] is that you have on several occasions pointed out to us the duty of counsel not to use language that was deceiving a witness. I think you have appropriately done that.

Presiding Inspector: Certainly I have.

Mr. Gladstein: Yes. And we have tried to comply with that admonition. But that is precisely what we are pointing out now; that when Mr. Del Guercio calls this document a subpoena, about which we, as lawyers, have very grave doubt as to whether it is entitled to that title at all, but if he is permitted to use the title "subpoena" to a layman, a lay witness, that witness doesn't know, probably, what it is, and that is the reason we raise the question.

Presiding Inspector: We now have the instrument marked for identification. Whatever Mr. Del Guercio does it doesn't make it anything different from what it is.


I think the witness understands?

The Witness: Yes, sir.

Presiding Inspector: There is no implication as yet as to whether or not it was, it had any compelling force; the only matter was that this instrument was served on the witness. [2267]

Mr. Del Guercio: I called it a "subpoena" if your Honor please, and I still call it a "subpoena."

In that connection I will read from Section 16 of the Immigration Act of 1917. That is 8 U.S.C.A. 152.

(Testimony  James D. O'Neil.)

"Said Inspector shall have the power to administer oaths and to take and consider evidence touching the right of any alien to enter, re-enter, pass through or reside in the United States, and where such action may be necessary to make a written record of such evidence and any person to whom such an oath had been administered under the provisions of this Act who shall knowingly or wilfully give false evidence or swear to any false statement in any way affecting or in relation to the right of an alien to admission or readmission to or pass through or reside in the United States shall be deemed guilty of perjury and shall be punished as provided by Section 100," and so forth.

"All aliens coming to the United States shall be required to . . ." I shall skip that portion of it.

Continuing:

"Any Commissioner of Immigration and Naturalization or Inspector here in charge shall also have power to require by subpoena the attendance and testimony of witnesses before said Inspectors and the production of books, papers, documents touching the right of any alien to enter, re-enter, reside in or pass through the United States."

Now, I submit that there is nothing in the Act that re- [2268] quires us to subpoena a witness in relation to the right of any alien to be in the United States at any particular place or time, but any place that we, the issuing officer, may designate.

Presiding Inspector: I am not going to rule on

(Testimony of James D. O'Neil.)

this because I don't think it is properly before me to rule upon.

Mr. Gladstein: May I call your Honor's attention——

Presiding Inspector: (Interposing) We will have this understanding: That when you mention this as a "subpoena" you refer to the instrument which has now been introduced for identification.

Mr. Gladstein: All right.

By Mr. Del Guercio:

Q. Now, Mr. O'Neil,——

Presiding Inspector: (Interposing) As to that instrument. There may be others.

By Mr. Del Guercio: .

Q. (Continuing) ——you were directed by——

Presiding Inspector: (Interposing) Of course, I should think the orderly way to do it to examine him, not as to whether or not he obeyed the subpoena or not, but take his testimony. I don't know what object this has except to affect his credibility adversely.

Mr. Del Guercio: Well, I will proceed then.

[2269]

Presiding Inspector: It may be necessary; if he proves to be hostile, when we come to it. But he hasn't shown himself to be hostile yet.

By Mr. Del Guercio:

Q. Have you ever been a member of——

Presiding Inspector: (Interposing) I mean by testimony.

(Testimony of James D. O'Neil.)

Mr. Del Guercio: Yes.

By Mr. Del Guercio:

Q. Have you ever been a member of the Communist Party, Mr. O'Neil?

A. No, sir; I have not.

Q. Have you attended Communist Party meetings?

A. No, sir.

Q. Never?

A: Never.

Q. At any time?

A., At any time.

Q. And you have never been a member of the Communist Party at any time or place?

A. No, sir.

Q. By the "Communist Party," of course, I mean the Communist Party of the U. S. A. Is that what you understand?

A. I understand so, yes.

Q. Have you ever been a member of any organization [2270] associated with or affiliated with the Communist Party of the U.S.A.?

A. No, sir.

Mr. Grossman: Just a moment! I am going to object to that question in so far as it uses the word "associated," which is a word which is ambiguous and vague and has no meaning to this case.

Presiding Inspector: Well, he answered it in the negative.

By Mr. Del Guercio:

Q. Did you join the Communist Party in December of 1936 at the instance of Dave Craig?

A. I did not.

(Testimony of James D. O'Neil.)

Q. Do you know Dave Craig?

A. I know him, yes.

Q. Who is Dave Craig?

A. He was my landlord at the first house where I had a room when I came to San Francisco.

Q. When did you first meet Dave Craig?

A. I believe we first met in San Bernardino.

Q. When?

A. I couldn't say exactly when. If I am not mistaken, it was in the summer time either that year or the year previous.

Q. And was Mr. Craig then the Director of the Federal Writers Project in San Bernardino? [2271]

A. He was.

Q. He was? A. Yes.

Q. And did he secure a position for you on the Federal Writers Project?

A. I went to work—I had an application in when Mr. Craig came down there.

Q. And he acted upon it?

A. He acted upon it, yes.

Q. And did he appoint you as Assistant Director? A. Yes.

Q. And how long did you continue in that position under Dave Craig?

A. I don't think it lasted any longer than two months.

Q. And did you again meet Dave Craig in San Francisco following that?

A. Yes, because I told him I was coming to San Francisco in the fall sometime and he mentioned

(Testimony of James D. O'Neil.)

that if I did come up here to look him up, which I did.

Q. And did Dave Craig then tell you that he was a member of the Communist Party?

A. No. I was not aware of any—

Q. (Interposing) What?

A. I wasn't aware of his party affiliations or didn't know anything at all about his political feelings at the time. [2272]

Q. When did you become aware of his affiliation with the Communist Party?

A. I never did become aware of it. I don't know now that he was a member of the Communist Party.

Q. At no time? A. No, sir.

Q. Did you take a trip on the Polarine?

A. I did, yes.

Q. Upon your arrival in San Francisco or sometime after that?

A. Sometime after that.

Q. Who obtained the job for you on the Polarine?

A. I went down to the shipping office of the Fish Reduction Workers, which was an A. F. of L. Union at that time, and I think I remained down there about three weeks spending the entire day there waiting for any replacements that might come in on the Fish Reduction fleet.

Q. Were you a member of any union at that time?

A. No, I was not. But I had applied for a permit in that union.

(Testimony of James D. O'Neil.)

Q. Did you get a permit?

A. Oh, yes. I got a permit when I got the job.

Q. Who obtained it for you?

A. I beg your pardon?

Q. Who obtained it for you?

A. It was issued to me when I got in the office and I [2273] was the only person who came in and they issued it to me.

Q. Who issued it to you?

A. The Secretary of the Union.

Q. Do you know his name?

A. That goes back about five years. I don't believe I could tell you his name.

Q. Were you ever at 121 Haight Street?

A. When I was doing publicity work for the CIO I occasionally took publicity releases up there to the Western Worker, the same as I did to other newspapers.

Q. You took what?

A. Publicity releases, stories that were issued by the office.

Q. And to whom did you deliver them?

A. To the Western Worker, to anybody who happened to be in there.

Q. Did they have offices at 121 Haight Street?

A. Yes.

Q. And you know that 121 Haight Street was the Communist Party headquarters?

A. Yes, I was aware of it.

Q. And to whom did you deliver these releases?

A. To anybody who happened to be in there at

(Testimony of James D. O'Neil.)

that time. It might have been a reporter; it might have been one of the editors. [2274]

Q. One of the editors of what? The Western Worker? A. Yes.

Q. How many times did you take such releases to 121 Haight Street? A. I couldn't say.

Q. Approximately?

A. I couldn't even say approximately because I was calling on all the newspapers in town at one time or another on that very same errand.

Q. Was it five times?

A. I could not state definitely how many times.

Q. More than five?

A. I have just told you I could not state how many times.

Presiding Inspector: He doesn't ask you definitely. He wants your best judgment, if you have any.

The Witness: I couldn't say approximately, Judge, because I was working in that position for about two years and there was a good many times when the boys would drop in and get their publicity releases. Sometimes if they wanted the story to make the morning issue it would be taken to them.

Presiding Inspector: An indefinite number of times?

The Witness: An indefinite number of times.

By Mr. Del Guercio:

Q. And who directed you to take these publicity re- [2275] leases?

(Testimony of James D. O'Neil.)

A. It was part of my job to take them to every newspaper in town.

Q. Under whose direction were you working?

A. I was working under Mr. Bridges as publicity director.

Q. When did you obtain this position as publicity director?

A. About—it was the middle of 1937.

Q. The middle of 1937. And through whom did you obtain the position as publicity director?

A. I obtained it through Mr. Bridges.

Q. Did he get it for you?

A. Yes. He was opening West Coast offices, and he employed me in that capacity.

Q. And where did you have your offices?

A. 593 Market Street.

Q. Is that the offices that Mr. Bridges occupied?

A. The same place; the CIO headquarters for the West Coast.

Q. And for how long a period did you remain in that capacity?

A. I believe I was up there about two years. That would be an approximate guess, but I think it was about two years.

Q. And you then left that employment? [2276]

A. Yes. But you see, after I left there I still retained a connection with the broadcast of the CIO news reporter. I still handled the broadcasting for them.

Q. Now, did you become closely associated with Harry Bridges during that period of time?

(Testimony of James D. O'Neil.)

A. Yes. I knew him pretty well.

Q. Did you answer Mr. Bridges' mail during that period of time?

A. Well, if we got a request for a story or something that had to be written up, I would write the thing and then submit it to him and see if it was satisfactory.

Q. Did you answer requests for Mr. Bridges to speak?

A. No. He answered his own requests to speak.

Q. Would you answer requests for articles of Mr. Bridges?

A. Yes. When he wanted them written I would write them.

Q. And did you become Mr. Bridges' ghost writer?

A. Well, I suppose you could use that term?

Q. You wrote his speeches. You did this during the period that you were employed as publicity director?

A. That's right.

Q. Who paid your salary?

A. It was paid by the CIO headquarters in Washington.

Q. Did you during any time that you were so employed [2277] in Mr. Bridges' office walk into his office one day and saw on Bridges' desk a Communist Party book in which Mr. Bridges was putting assessment stamps?

A. No. At this point I want to say that that is exactly what I told the FBI men that questioned me.

(Testimony of James D. O'Neil.)

Q. Now, just a minute! I haven't asked you that. I am asking you if you saw him.

A. I did not.

Q. You did not? A. No.

Q. Did you see Mr. Bridges putting assessment stamps in a Communist Party book about 2:00 P. M. in Bridges' office in the Balboa Building at 593 Market Street sometime in 1937?

Presiding Inspector: He answered "No."

A. I did not.

By Mr. Del Guercio:

Q. Were you at any time connected with the Voice of The Federation?

A. Yes. I was editor of the Voice of The Federation.

Q. When did you become associated with that?

A. It was around the first of the year in 1937.

Q. And who obtained the—what position did you hold? A. Editor.

Q. Editor? How did you become editor of that paper?

A. I went down and applied for the job at 24 Califorma [2278] Street and I was elected by, I believe, the Executive Board of the Maritime Federation of the Pacific.

Q. Were you elected or appointed?

A. I was elected. I believe it was an election because all of the members were there and they voted as to whether or not to appoint me. They voted on the appointment. That was about the way it happened.

(Testimony of James D. O'Neil.)

Q. For how long a period of time did you hold that position as editor?

A. I believe just about six months.

Q. And then what happened?

A. I was ousted by the Portland Convention of the Maritime Federation.

Q. Do you know why?

A. At the instance of Harry Lundeberg. There never was any charges preferred against me as required by the Constitution of the Maritime Federation, nor was I ever advised of the reason. They simply came down and took over the paper, practically between editions.

Q. Now, Mr. O'Neil, were you interviewed by an Agent of the Federal Bureau of Investigation on October 7, 1940 at the Radio Station KQW?

A. I was interviewed at the Radio Station on two different occasions, and I came down to 111 Sutter Street and [2279] I was interviewed down there.

Q. Do you recall the date of the interview had on October 7, 1940?

A. No, I couldn't be sure of the date.

Q. You couldn't be sure of the date?

A. No.

Q. But you do recall an interview?

A. Yes.

Q. Do you know the names of the Agents that interviewed you?

A. One of them, I believe, was Mr. Cassidy. I don't know who the other was.

(Testimony of James D. O'Neil.)

Q. Was it H. A. Smith?

A. It might have been.

Q. And did you on that same day appear at the FBI offices?

A. No, I did not.

Q. At 10:15 P. M.?

A. No.

Q. You did not?

A. No. It was a previous time that I went down there.

Q. What do you mean "a previous time"?

A. Later on.

Q. When were you first interviewed by the Agents of [2280] the Federal Bureau of Investigation?

A. I couldn't tell you the exact date that they came in there because I don't remember, but they came into KJBS on two different occasions to see me and they asked me to come down to 111 Sutter Street. I informed them then that I had no information of this case that would be of any value to them. But I went down to 111 Sutter Street.

Q. Wasn't it Radio Station KQW?

A. KQW and KJBS have the same studios in San Francisco. One is identical with the other.

Q. What happened on the occasion that you went to the FBI offices following the interview there at the Station?

A. I was asked a long series of questions in which practically every name of every individual that had ever been prominent in the labor movement on the West Coast, particularly in connection

(Testimony of James D. O'Neil.)

with the Maritime Labor Unions, were brought in and asked whether they were not Communists.

Q. And what was your reply?

A. My reply was that I didn't know whether they were Communists or not, and a remark would be made to me that some witness mentioned some of those names—I certainly can't recall because I never knew him—had made a statement that they had been seen in Communist meetings with me. And my answer to that was that I had never attended a Communist [2281] meeting.

Q. And do you recall that at the time that you first appeared at the offices of the Federal Bureau of Investigation here in San Francisco that there was a stenographer present?

A. That is correct.

Q. And did you dictate a statement to that stenographer?

A. I did not dictate a statement to that stenographer. The questions were being asked of me, and if this is one of the questions that you have read back here, then that is the statement in which I said the only credible evidence against Harry Bridges or anybody else—

Presiding Inspector: (Interposing) Answer the question and don't volunteer.

By Mr. Del-Guercio:

Q. Did you dictate a statement?

A. I did not.

Q. Just a minute! Wait until I get through with

(Testimony of James D. O'Neil.)

my question. Did you dictate a statement to a stenographer?

Presiding Inspector: He said "No".

By Mr. Del Guercio?

Q. In the FBI offices?

Presiding Inspector: He has already said "No."

By Mr. Del Guercio: [2282]

Q. Now, Mr. O'Neil,—

Presiding Inspector: (Interposing) Was there a stenographer present, you said?

The Witness: There was a stenographer present, yes, she was—

Presiding Inspector: (Interposing) And was the stenographer taking notes during the time that this running conversation occurred?

The Witness: That is correct, yes.

Presiding Inspector: I don't know, but did you hear the answers he gave to my questions?

Mr. Del Guercio: No, I didn't.

Presiding Inspector: Just read them, Mr. Reporter.

(The questions and answers referred to were read by the reporter as above recorded.)

By Mr. Del Guercio:

Q. And what agents were present at that time, Mr. O'Neil?

A. Cassidy was there and another chap whose name I don't know.

Q. You don't know. So that there were three;

(Testimony of James D. O'Neil.)

yourself, two agents of the FBI, one of whom you have identified as Cassidy, and a stenographer?

A. Yes.

Q. Did you at that time, Mr. O'Neil, dictate to the [2283] stenographer that you had first met Dave Craig in the City of San Bernardino in the summer of 1936?

A. I believe I said that I had met him there, yes.

Q. Did you so state to the stenographer that was present?

A. I so stated to Mr. Cassidy, yes.

Q. Did you also state that, referring to Dave Craig, that he had just been appointed Director of the Federal Writers Project for San Bernardino, Riverside and Imperial Counties?

A. I believe that was his position and I so told Cassidy, yes.

Q. Did you also state as follows:

"I was anxious to obtain a position on the Project and he was the man to see"?

A. That's correct.

Q. That is correct. Did you also state "I was appointed to the Federal Writers Project and became Assistant Director under Craig, who incidentally was in ill health and seldom able to appear at the office"?

A. Yes.

Q. Did you so state?

A. Yes.

Q. Did you also state as follows:

"I kept this position for several months"? [2284]

A. Yes.

Q. That is true?

(Testimony of James D. O'Neil.)

A. I believe I did, yes.

Q. You so stated?

A. That is an outline of how I came to San Francisco.

Q. Now, just a minute, please! Did you also state as follows: "I then left to take a publicity job at the Riverside County Democratic Central Committee?"

A. Yes.

Q. Did you so state?

A. I believe I did so state in answer to a question from Mr. Cassidy.

Presiding Inspector: Answer in words so far as you can, so the reporter can hear.

By Mr. Del Guercio:

Q. Did you also state as follows: "While I was on this job Craig returned to San Francisco and the Federal Writers Project was closed"?

A. I believe that happened about that time.

Q. Did you so state? A. I believe I did.

Q. Did you also state as follows: "Approximately six days later after the 1936 November Presidential election I came to San Francisco, having previously made arrangements by letter with Craig to stay at his home and pay room and [2285] board"?

A. That's right.

Q. Did you so state?

A. I did, in answer to a question.

Q. And did you also state as follows: (As soon as I came to 2048 Ellis Street in San Francisco Craig frankly told me that he was a member of the Communist Party and I at one time or another

(Testimony of James D. O'Neil.)

became acquainted with practically everybody of consequence in that Party, meeting most of them at his home, including Bill Schneidermann, California Secretary of the Party, his wife, Rose, Walter Lambert, head of the waterfront section of the Party, one Ross, editor of the Western Worker, the entire staff of the Worker, Pop Hanoff, Minnie Carson, Oleta O'Connor, Frank Spector, Mike Quinn, Henry Schmidt, John Shoemaker, Germain Buleke, and others"? A. - I did not.

Q. You did not make that statement?

A. No, I did not make that statement. I was asked the question if I had ever met the men at Craig's home and I stated that I had not.

Q. And you did not dictate—

A. (Interposing) I did not dictate.

Q. (Continuing) —to the stenographer that was present [2286] at that time—

A. (Interposing) I did not.

Q. (Continuing) —that statement that I have just read?

A. I did not. No, sir. The question is—

Q. (Interposing) Just a minute, please. Did you then state as follows:

"I joined the Communist Party in either the latter part of November or the first part of December, 1936 under the name of Ben Harrison. My purpose in joining the Party was the assurance that I would have employment, which I immediately obtained on the S.S. Polarine. This job was obtained through the Craigs and through Ross of

(Testimony of James D. O'Neil.)

the Western Worker, who at that time was posing as the husband of Oleta O'Connor. Oleta O'Connor's sister is Gloria, Lee, now secretary to the secretary of the San Francisco Industrial Union Council. At that time she was Secretary of the Fish Reduction Workers Union, San Francisco local. Through her I obtained the position on the Polarine which was a fish reduction boat."

Did you so state?

A. I did not.

Q. And did you so dictate?

A. I never made any such statement.

Q. And did you so dictate to the stenographer that was [2287] present in that room at that time?

A. No. You asked—

Mr. Del Guercio: Now, just a minute!

Mr. Gladstein: Your Honor, could I make a suggestion? In the first place, this is direct examination. In the second place, when a witness gives an answer "I did not" and starts to make an explanation, heretofore in this case witnesses have been permitted to complete their answers. Now, I don't see why the witness should not be permitted to complete his answer without Mr. Del Guercio's saying, "Now, just a minute!" The witness apparently has something that he wishes to add to complete his answer. I think we are entitled to hear it.

Mr. Del Guercio: He has made a denial, your Honor. That doesn't require any other explanation at this time.

(Testimony of James D. O'Neil.)

Presiding Inspector: Of course, that last question included a great many statements. It might be that he made some of them and didn't make the others.

By Mr. Del Guercio:

Q. I will ask you that question. Did you make any of those statements that I have read to you?

A. I did not make any of those statements. I was asked if those people had appeared at the house. One by one they were called off to me and I answered "No, I did not meet them". Some of them I have never met. I haven't to this day met them.

Q. But you did not make the statement as I have read [2288] it to you?

A. I certainly did not.

Q. Did you state "I joined the Communist Party in either the latter part of November or the first part of December, 1936 under the name of Ben Harrison"?

A. I did not make any such statement and I never have joined the Communist Party.

Q. Did you state that "My purpose in joining the Party was the assurance that I would have employment, which I immediately obtained on the S.S. Polarine"?

A. No.

Presiding Inspector: Well, you did obtain the employment?

The Witness: But I obtained it by staying in the office for two weeks.

(Testimony of James D. O'Neil.)

Presiding Inspector: You obtained the employment as you have already stated?

The Witness: Yes, through my own efforts.

By Mr. Del Guercio:

Q. Did you state that "this job was obtained through the Craigs and through Ross of the Western Worker who at that time was posing as the husband of Oleta O'Connor"? A. I did not.

Q. Did you state that Oleta O'Connor's sister is Gloria Lee, now secretary to the secretary of the San Francisco Industrial Union Council"?

A. No, I did not make that statement. [2289]

Q. Did you state that at that time she was secretary of the Fish Reduction Workers Union, San Francisco local? A. No, I did not.

Q. Did you state that "through her I obtained the position on the Polarine, which was a fish reduction boat"?

A. No. May I point out at this time that these statements that you are reading back to me were originally given to me in the form of questions which I denied. I made a statement that I had not met these people. "Wasn't it true that you knew this person or the other person? Didn't you meet them when you were living at this house" That's the way those things appeared, not as a statement. [2290]

Q. Did you make this statement, dictate it to the stenographer in the room, and in the presence of Mr. Cassidy and Mr. Smith:

(Testimony of James D. O'Neil.)

"I was on that ship about a month, and when I came ashore I was informed there was an opening as editor of the 'Voice of the Federation.'

Did you make that statement?

A. I might have told them how I got the job on the Voice, and that was the way I got it.

Q. Did you make that statement?

A. I believe I probably did state that, yes, because that is a correct statement of how I got the job on the Voice of the Federation.

Q. Did they ask you if you had ever been employed on the Voice of the Federation?

A. Yes.

Q. Did they tell you how they found out you had been employed on the Voice of the Federation?

A. No. My name was on the masthead, and I was the editor for six months.

Q. Did you also dictate this to the stenographer:

"I went to the 'Voice of the Federation' office and was informed that even at that moment the Maritime Federation Executive Board was meeting at 24 California Street to pick an editor." [2291]

Did you make that statement?

A. I undoubtedly did, because that is exactly what happened.

Q. Did you make this statement:

"I went down there, introduced myself to Scotty Kelly, who was Secretary of the Maritime Federation of the Pacific, showed him my Guild card, as I had joined the Newspaper Guild in San Francisco before going to sea, and then I asked him

(Testimony of James D. O'Neil.)

to permit me to use the typewriter in the office to write up my qualifications and background."

Did you make that statement?

A. No, I don't believe I went into that complete detail at that time about the Voice of the Federation.

Q. Did you make this statement just read at that time and place? A. No, I did not.

Q. Did you make this statement:

"I dashed them off and gave them to Kelly and that afternoon was interviewed along with several other applicants and told to return the next afternoon, as the Newspaper Guild had two candidates it believed especially qualified for the job."

Did you make that statement?

A. No. I believe the statement that I made down there came to an end when I told them I had gone to 24 California [2292] Street and obtained the job there.

Q. Is it your testimony now that you did not make that statement?

A. That is correct. I have been interviewed by the FBI on different occasions and—

Q. (Interposing) I am speaking about the occasion, your interview on October 7, 1940.

Mr. Gladstein: I think the witness should be permitted to finish his answer to the question. Apparently he has something to add to his answer. I cannot see why the witness is permitted to be choked off by Mr. Del Guercio as he is his own witness. In the second place as the witness is in the middle of a statement and has not completed—

(Testimony of James D. O'Neil.)

his answer, I do not think counsel should be permitted to interrupt if it is obvious that the answer is germane to the question.

Mr. Del Guercio: Before we get through we will show that he, in reality is Mr. Gladstein's witness.

Presiding Inspector: Don't argue.

Is there anything else you want to say?

The Witness: No, except that that alleged statement which is being read to me probably comprises interviews and odd answers that I have given in, I believe, six different meetings with the FBI, and during which questions were thrown at me, and the answers have all been massed together into [2293] one statement making it appear that I gave those answers or statements in one statement, which is not true.

Presiding Inspector: All right. Go ahead.

By Mr. Del Guercio:

Q. Did you also make this statement—these statements that I am reading now were all made at the same time, the same date, and at the same place, in the presence of the same persons.

Did you also make this statement:

"I was not one of them. The following day, which was the day before New Year's, 1937, the full Executive Board of the Maritime Federation narrowed the applicants down to three."

Did you make such a statement?

A. No, I don't believe I did. I believe, as I stated, that I ended the talk about the Voice of

(Testimony of James D. O'Neil.)

the Federation when I said I went to 24 California Street.

Q. Might you have made such a statement and not recall it at this time?

A. No. I believe if I made such a statement I probably would recall it.

Q. Your testimony is that you did not make such a statement at that time? A. Yes.

Q. Did you make this statement:

"One represented the Lundeberg faction, and one the [2294] Bridges faction, and the third one was myself."

Did you make such a statement? A. No.

Q. Did you make the following statement:

"Presumably on the theory that to appoint either of the two men of the Bridges or Lundeberg faction would merely start the old fight over again, the Board voted 6 to 2 to put in the stranger, myself."

Did you make such a statement at that time and place? A. No, I did not.

Q. Did you make the following statement at the same time and place?

"That night I was invited to attend a New Year's Eve Party at 121 Haight Street by Craig, at whose home I was living, and while there I was introduced to Pop Hanoff, Frank Spector, Amy Schechter."

Did you make that statement at that time and place?

A. No. The only time I went to 121 Haight Street was on business.

(Testimony of James D. O'Neil.)

Q. Your testimony is that you did not make that statement at that time and place?

A. Correct.

Q. Did you make the following statement:

"Both Miss Schechter and Frank Spector expressed amazement that I was the new editor of the 'Voice,' and they hurriedly [2295] sent for Pop Hanoff and demanded to know what I was doing there."

Did you make such a statement at that time and place? A. No.

Q. Did you make the following statement:

"A long argument ensued, and I insisted on having dinner there, and then at the request of practically the entire San Francisco Communist Party I withdrew."

Did you make that statement at that time and place? A. I did not.

Q. Did you make this statement:

"They felt very strongly that the editor of the 'Voice of the Federation' should not be seen at Communist Party headquarters."

Did you make that statement at that time and place? A. I did not.

Q. Did you make the following statement:

"On the 'Voice of the Federation' I succeeded Henry Schrimpf, who as Trustee of the Maritime Federation had been operating the paper in the interim between Barney Maas and my own appointment."

Did you make that statement? A. No.

(Testimony of James D. O'Neil.)

Q. Did you make this statement:

"I remained as editor of the 'Voice of the Federation' [2296] for approximately six months."

A. I might have said I was on the Voice six months at one time, in the course of the questioning about how I came to San Francisco, but I don't recall that I went into that detail on that occasion.

Q. Would you say whether or not you made that statement?

A. Yes, I would say, off-hand, that I did not make it.

Q. Did you make this statement:

"On New Year's Day following my appearance at the Communist Party Headquarters I drove into the driveway at 2048 Ellis Street and was met by Mrs. Craig, who informed me that a very important person was waiting to see me in the house."

Did you make that statement? A. No.

Q. Did you make that statement at that time and place? A. No.

Q. Did you make this statement:

"I went inside and in the kitchen I immediately recognized from his pictures Harry Bridges, who was accompanied by Joe Ring."

Did you make that statement?

A. I did not, because I met Harry Bridges in his own office several months later for the first time. [2297]

Q. Did you also continue as follows:

"This was on January 1, 1937?"

(Testimony of James D. O'Neil.)

A. Pardon?

Q. "This was on January 1, 1937." Did you make that statement? A. No.

Q. And did you continue as follows:

"Bridges outlined his views as to how the 'Voice of the Federation' should be conducted, detailed at great length his troubles with the previous editor, Barney Maas, asserting that due to Maas' action the longshoremen would be compelled to accept much less than they had originally demanded in the 1936-1937 strike and that Maas' editorship was entirely unsuitable for the 'Voice.'"

A. I did not. I met Bridges later in January.

Q. You deny you made that statement?

A. I certainly do.

Q. Did you make this statement:

"I assured Bridges that it was my intention to run the paper with the columns open to everybody affiliated with the Maritime Federation."

A. No.

Q. You did not make that statement?

A. No, I didn't make that statement.

Q. Did you make this statement: [2298]

"In all fairness to Bridges he never asked any more than that during my editorship, and I found by going over back issues of the 'Voice' that the columns of the 'Voice' had been closed to Bridges and the longshoremen during the previous editorship." Did you make that statement?

A. Not at the time I went down to the first meeting of the FBI, I did not.

(Testimony of James D. O'Neil.)

Q. Did you ever make such a statement?

A. Oh, yes, I made such a statement.

Q. You made that statement?

A. Not at that time.

Q. Not at that time, but at some other time?

A. I made that statement, I assured Harry Bridges, on our first meeting when I was in his office down on lower Market Street, the columns of the paper were open to him.

Q. You remember now making that statement some time?

A. Yes, but not at this time that this meeting took place, because I didn't meet him there.

Q. Did you make the following statement:

"By running news from the Longshoremen's Union and accepting letters from Harry Bridges, which I ran in the 'Letters to the Editor' column, I earned the lasting enmity of Harry Lundeberg, Secretary-Treasurer of the Sailors' Union of the Pacific, and at the end of six months Lundeberg at the Portland Convention of the Maritime Federation in June, 1937 [2299] succeeded in having me removed as Editor."

Did you make that statement? A. I did not.

Q. Did you make that statement at that time and place?

A. No. I had Lundeberg's enmity from the time I came to San Francisco and that is one of the few things I had to be proud of.

—Q. Do you deny that you made that statement to the agents of the FBI on October 7, 1940?

(Testimony of James D. O'Neil.)

A. That is right.

Q. Did you make this statement:

"No charges were ever filed against me; I was simply removed by vote of the Convention."

A. I have already outlined about that. That might have been said before, might have been on the way from Marysville, or in any one of the other six different occasions.

Q. But you deny you dictated that statement to the stenographer at the offices of the Federal Bureau of Investigation on October 7, 1940?

A. I did not.

Q. Did you also make this statement:

"After an interval of two weeks I was named Publicity Director of the Western Region of the Committee of Industrial Organization."

A. I might possibly have answered that question at that [2300] time as to when I went to work for the CIO, which was about two weeks after I left the Voice.

Q. Would you say whether you made that statement at that time and place?

A. I probably did.

Q. Did you make the following statement:

"I held that position for more than a year, handling all the publicity for the Western states for the CIO, writing the Daily radio broadcast and giving it myself six days a week, answering practically all of Bridges' mail, both personal, requests to speak, requests for articles, wrote maga-

(Testimony of James D. O'Neil.)

zine articles for him, generally ghosted for him.

I was paid out of Washington by check."

Did you make those statements?

A. I did not.

Q. Did you make the following statement:

"I left the CIO to go to work for radio station KYA, where I was in charge of news broadcasting for eight or nine months."

Did you make that statement?

A. I might possibly have done so because that is what happened.

Q. Would you say you made that statement?

A. I probably did. Just a moment, Mr. Del Guercio. That is one thing that I want to explain about this. To ask [2301] me, "Did I make this statement," and "Did I make that statement," when there have been six different meetings, at any of which these statements might have been made, it is difficult to pin myself down to this one specific occasion.

Q. This statement that I have, and I am reading from, was made all at one time, on October 7, 1940, at the offices of the Federal Bureau of Investigation, in the presence of Smith, Cassidy, and a stenographer.

Mr. Grossman: You say that is true.

Mr. Del Guercio: Yes. I state that as a fact.

Presiding Inspector: Well, we cannot accept that as evidence.

Mr. Del Guercio: We will show it is a fact. Counsel asked me if I stated it as a fact.

(Testimony of James D. O'Neil.)

Presiding Inspector: I do not think you ought to say it is a fact. You are asking this witness on what purports to be such a statement.

Mr. Del Guercio: Yes.

Presiding Inspector: It will require a later time to prove it as a fact.

By Mr. Del Guercio:

Q. Did you make this statement—

Presiding Inspector: I am not criticizing you, but I am simply emphasizing that at this time there is no evidence of it being a fact. [2302]

Mr. Del Guercio: Yes. I understand.

By Mr. Del Guercio:

Q. Did you make this statement:

“During this time I also handled the CIO broadcast.”

Did you make that statement?

A. I don't recall when any such statements were made because these interviews dated over a long period of time. These statements, any I did make, were not made in any one statement.

Q. I am asking you if you made this statement in the offices of the Federal Bureau of Investigation on October 7, 1940, in the presence of H. A. Smith, Mr. Cassidy and a stenographer.

A. I am unable to recall that any such statement took place.

Q. Do you deny that you made such a statement?

A. I have already answered that, explained that this is a conglomeration of six different meetings

(Testimony of James D. O'Neil.)

and sessions with the FBI, all appearing in one typewritten statement.

Q. Is it your testimony that you did not make that statement at that time and place?

A. I can't be sure whether I answered that question at that time or at some other time.

Q. Did you make this statement:

"I wrote and delivered broadcasts myself, obtaining my [2303] material from the CIO headquarters and the headquarters of Unions affiliated with the CIO which might be involved in disputes of various kinds requiring the labor interpretation in the broadcast."

A. I explained that in one of the sessions but which one I couldn't say definitely.

Q. Would you say whether or not you made this statement at that time and place, on October 7, 1940?

A. I couldn't state definitely what time that answer was given.

Q. Did you also make this statement:

"On numerous occasions Harry Bridges would call me and tell me what he wanted emphasized."

A. No; I don't recall that statement.

Q. Would you say whether or not you made that statement? A. I don't believe I did.

Q. Did you make this statement:

"I left KYA and after an interval of possibly eight or ten weeks I went to work as news broadcaster for radio stations KJBS and KQW in San Francisco, where I am still employed."

Did you make that statement?

(Testimony of James D. O'Neil.)

A. I believe that statement was made in my first meeting with them.

Q. Did you make that statement? [2304]

A. Yes. I answered the question. I went to work for KJBS and KQW, and I don't believe that time—

Q. (Interposing) Not at that time. I am speaking about the meeting in the offices of the Federal Bureau of Investigation and in the presence of a stenographer? A. No.

Q. Did you make this statement:

“At this point I would go back to my first meeting with Bridges at the Craig home.”

Did you make that statement? A. No.

Q. Did you make that statement?

A. No, I did not. The first meeting was not at Craig's home with Harry Bridges.

Q. Did you make this statement:—I am not asking you if the statement is true or correct. I am asking if you made the statement.

A. The answer is “No.”

Q. Did you make this statement:

“Present at that meeting were Mr. and Mrs. Craig, Bridges, Joe Ring, and myself?”

A. No.

Q. You did not make that statement?

A. No.

Q. Did you make this statement: [2305]

“At that time I was introduced by Craig to Bridges with these words, ‘Comrade Bridges, meet Comrade O’Neil.’”

(Testimony of James D. O'Neil.)

Did you make that statement?

A. No such statement was ever made.

Q. You didn't make that statement?

A. No.

Q. At any time, any place, anywhere?

A. May I add at that point—

Q. (Interposing) Will you answer the question?

A. I answered already.

Q. You didn't make that statement at any time, any place, anywhere?

A. No; except that I brought out the fact that on the waterfront "Red baiting" had become so bad that at one time Henry Schmidt bought a flaming red hat and wore it publicly, and the men were referring to each other as "Commissar" and "Comrade".

Mr. Del Guercio: I move to strike the answer as not responsive.

Presiding Inspector: I think I will let it stand.

By Mr. Del Guercio:

Q. Did you make this statement:

"Naturally, I assumed from this that Bridges was also a member of the Communist Party."

Did you make that statement? [2306]

A. I did not make that statement.

Q. At any time, any place?

A. At any time or any place: no, sir.

Q. Did you also make this statement:

"On another occasion I walked into Bridges' office, it always being my privilege to do so after

(Testimony of James D. O'Neil.)

first having assured myself that he was alone, and on his desk was a new Party book, which had just been issued and into which Bridges was putting assessment stamps."

Did you ~~make~~ that statement?

A. I did not make that statement.

Q. At any time?

A. At any time; no, sir.

Q. At any place, anywhere? A. No.

Q. Did you follow it by this statement:

"This was about two o'clock in the afternoon in Bridges' office in the Balboa Building, 593 Market, Room 509, in 1937."

Did you make that statement?

A. I did not.

Q. At any time, any place?

A. At no time, no place; no, sir.

Q. Did you follow it by this statement:

"I expressed amazement that he was doing this openly with the book in plain view on top of his desk; however, he [2307] nonchalantly continued to put the stamps in place and then returned the book to his pocket."

Did you make that statement?

A. I did not make any such statement. I wouldn't have been amazed—I would have dropped dead if such a thing would have happened.

Mr. Del Guercio: Are you through?

Mr. Gladstein: Laughing, you mean?

Presiding Inspector: Go ahead.

(Testimony of James D. O'Neil.)

By Mr. Del Guercio:

Q. Did you ever make that statement to anyone?

A. This is the third time, and I am saying no, I didn't.

Q. You deny making that statement to the stenographer there on October 7, 1940?

A. I certainly do.

Q. In the offices of the FBI here in San Francisco?

A. Yes.

Q. Did you continue by making this statement:

"I knew this was a Communist Party book because I had one myself and it ~~was~~ just like it."

Did you make that statement?

A. No, I did not make any such statement.

Q. You didn't make that statement at that time and place?

A. No. [2308]

Q. And did you continue by stating:

"It was the general practice to pay your dues to the Communist Party dues collector and, in return to receive stamps which he tore off from a block and which you inserted in your book at your leisure."

A. No.

Q. You didn't make that statement?

A. No; at any time or any place.

Q. Did you follow, continue by making this statement:

"There is no doubt in my mind but what that was Bridges' membership book in the Communist Party."

A. No. I am certain I never made any such statement.

(Testimony of James D. O'Neil.)

Q. You didn't make it at that time and place?

A. I did not.

Q. And in the presence of the stenographer?

A. I have answered that I didn't.

Q. In the presence of Cassidy and Smith?

A. I have already said "No."

Q. And did you continue by making this statement:

"I came in to Bridges one morning and outlined to him that I was unable any longer to tolerate the mental gymnastics of the Guild Fraction and he recommended that I transfer into the waterfront section, which I did through Walter Lambert."

Did you make that statement?

A. I never made any such statement as that in my life. [2309]

Q. You didn't make such a statement at the time and place?

A. No, nor at any other time or place.

Q. Did you continue by making this statement:

"The transfer was arranged through Connie's Restaurant, one block from the Golden Gate Theater."

Did you make that statement?

A. No, I never made such a statement. I don't even know—I have never been in there or don't know there is such a place.

Q. Did you make that statement at that time and place? A. No.

Q. Did you continue by making this statement?

(Testimony of James D. O'Neil.)

"I told Bridges at the time of the transfer that after having been the 'man on the flying trapeze' in the Guild I would rather go some place where there was a net under me."

A. I did not make any such statement.

Might I point out at this point that I was asked if I ever belonged to what they called a Guild Fraction of the Communist Party which I denied, and I was asked if I had ever transferred to the Water-front Section, and I stated that I had not.

Q. And you have not made the statement I just read?

A. That is correct; I didn't make it. [2310]

Q. Did you continue by stating this:

"As I remember, I called Lambert that morning from my own office, and it was arranged through him."

A. I never made any such statement.

Q. You didn't make it at that time and place?

A. No; or any other time.

Q. Did you continue by making this statement:

"On several occasions Bridges reminded me that I had not been attending Party meetings and asked me, 'What's the score?'"

A. No, I didn't.

Q. You didn't make that statement?

A. No.

Q. And did you continue by stating this:

"I think I told him it was 0 to 0 in the last of the 9th as far as I was concerned and as far as

(Testimony of James D. O'Neil.)

the Party was concerned, and he advised me to take it easy and not let my own feelings obscure my judgment?"

Did you make that statement?

A. No, no such statement.

Q. You didn't make such a statement?

A. I didn't.

Q. And did you make this statement:

"It is my belief that Bridges never at any time attended any Communist Party meetings."

Did you make that statement, Mr. O'Neil? [2311]

A. I have made that statement repeatedly.

Q. You remember making that statement?

A. I don't know whether it took place there, or at other times; it has taken place many times.

Q. But you might have made it at the time of this particular meeting I am talking about, that is, on October 7, 1940?

A. It is possible. I know I made the statement the first time.

Q. Did you make it in the presence of the stenographer, and Agents Cassidy and Smith?

A. The question undoubtedly was asked whether he had ever attended any Communist meetings to my knowledge.

Q. And you made that statement?

A. In all probability, because they have asked that so many times I can answer it in my sleep.

Q. Did you continue by making this statement:

"It was always tacitly understood and assumed that such was the case."

(Testimony of James D. O'Neil.)

Did you make that statement?

A. No.

Q. You didn't make that statement?

A. No.

Q. At no time or place?

A. Let me get this, that such was the case—I don't understand. [2312]

Q. I will read the two sentences together.

A. That would be better.

Q. Did you make this statement:

"Bridges never stated to me that he was a member of the Communist Party. It was always tacitly understood and assumed that such was the case."

Did you make that statement?

A. No; absolutely not.

Q. You made the first statement, the first sentence, that Bridges had never stated to you that he was a member of the Communist Party, but you did not make the second part of the statement, "It was always tacitly understood and assumed that such was the case."

Is that your testimony?

A. May I point out that you have got one part of the statement where apparently I walked in and saw a man putting stamps in a Communist Party book and then in the second place Bridges never told me he was a member of it. Would you mind telling me how you can reconcile such a thing?

Q. I am asking the questions.

A. The thing is silly, I think.

(Testimony of James D. O'Neil.)

Q. I don't care what you think.

Did you follow it by this statement:

"On frequent occasions Bill Schneiderman took exception to my publicity work, to the type of pamphlets I was issuing, [2313] to the tenor of editorials that might be appearing in the 'Labor Herald' or in the 'Voice of the Federation' in my editorship."

Did you make such a statement?

A. I did not.

Q. Did you continue by stating:

"Schneiderman very early in the game learned that the way to stop me was to go to Bridges, and I can't now recall any time when Bridges sustained Schneiderman in his complaints."

Did you make that statement at that time?

A. I did not.

Q. Did you follow it by continuing:

"This dispute about the type of publicity which I was issuing came to a climax when Bill Schneiderman, Revels Cayton of the Marine Cooks and Stewards, Lou Goldblatt, Bridges' assistant, and Bridges gathered in Bridges' office in the Balboa Building."

Did you make that statement?

A. No.

Q. You never made that statement?

A. No.

Q. And did you continue by stating:

"Schneiderman demanded that more pressure be

(Testimony of James D. O'Neil.)

brought to bear on the Sailors' Union of the Pacific."

Did you make that statement? [2314]

A. I did not.

Q. Did you continue by stating:

"We had spent several thousand dollars in pamphlets and publicity broadsides urging them to cooperate with the CIO."

Did you make that statement?

A. No.

Q. You didn't make that statement?

A. No.

Q. And did you continue by stating:

"I was flatly against any more such expenditure."

A. I did not.

Q. Did you make that statement?

A. No.

Q. Did you continue by making this statement:

"Bridges sent for me at that time and when I walked in the door he was telling Schneiderman he thought I had every right to be at such a meeting because it was my work that was under fire."

Did you make that statement?

A. I did not.

Q. Did you make the following statement:

"He then turned to me and asked me for my opinion as to any publicity aimed at the S. U. P."

A. No, I did not. [2315]

Q. Did you continue by making this statement:

(Testimony of James D. O'Neil.)

"I told him it would be good money gone after bad."

A. No.

Q. Did you continue by making this statement:

"I believe I told Harry Bridges at that time that the only thing that would bring any sense into the S. U. P. would be a pickaxe,"—

A. No.

Q. "... whereupon Bridges said 'I agree with you,' whereupon Schneiderman jumped to his feet and said, 'There you are, that's the very thing I've been talking about. Is that the Party line? Is that what we're supposed to do?'"

A. No.

Q. You didn't make those statements?

A. I did not.

Q. Did you continue by making this statement:

"I told Schneiderman it probably wasn't the Party line because it made good sense."

A. No, I did not.

Q. You did not make that statement?

A. No.

Q. Did you continue by stating:

"Bridges backed me up in this, whereupon Schneiderman said that I was a bad influence in the CIO and should be removed that Bridges was listening to me too much." [2316]

A. No.

Q. Did you make that statement?

A. I did not.

(Testimony of James D. O'Neil.)

Q. Did you continue by stating:

"Everybody in the employ of the CIO and the Unions with their headquarters in the Balboa Building, with one exception, were members of the Communist Party."

A. No; but that question was asked me.

Q. Did you make that statement?

A. I did not make that statement, but the question was asked, if everyone up there wasn't a member of the Communist Party.

Q. And you replied what?

A. I replied not to my knowledge; that I had no belief in any such thing.

Q. And your testimony is that you didn't make the statement that I read to you?

A. I don't remember any such statement as that.

Q. Did you follow it by making this statement: "This I know because I attended meetings with them, paid dues at the time they did."

A. I did not.

Q. Did you continue by stating:

"There was no secret, no bones made about it at all. The one exception was Herman Stuyvelaar."

A. No, I didn't. [2317] -

Q. Did you continue by making this statement:

"When a vacancy occurred in the personnel of the CIO headquarters that vacancy was invariably, without exception to my knowledge while I was there, supplied after consultation with Schneiderman from the Communist Party headquarters."

A. I did not.

(Testimony of James D. O'Neil.)

Q. Did you continue by making this statement:

"During the 1937 Maritime Federation of the Pacific Convention at Portland, Oregon, a hole was bored in the wall of Bridges' room adjoining the telephone bell box which was level with the molding in the Multnomah Hotel."

Did you make that statement?

A. No. That was a story that appeared on the front page of the Voice of the Federation, however, to that effect. It didn't appear as a statement from me.

Q. You deny making that statement at that time and place? A. I do.

Q. Did you continue by stating:

"After his return to San Francisco from the Portland Convention we discussed the planting of the microphone in his room, and he told me that it had been in operation for a day and a half at least before his attention was called to plaster on the floor and the microphone outlet was discovered."

Did you make that statement? [2318]

A. No.

Q. Did you continue by stating:

"I remarked at the time that he was lucky to have discovered it, and he replied, 'Yeah, not so lucky.'"

Did you make that statement?

A. No.

Q. Did you continue by stating:

"These guys had been listening in for a day and a half before we discovered it."

(Testimony of James D. O'Neil.)

Did you make that statement?

A. No.

Q. Did you continue then by stating:

"He then stated that letters from Moscow, and other obvious red scare, had been openly read or discussed in the room so as to clutter up the record in the next room. Bridges said that Fraction meetings had been conducted in the room during the time the microphone was hooked up.

Did you make that statement?

A. I did not.

Q. And did you continue by stating:

"By this he meant Top Fraction meetings of the Communist Party."

A. No.

Q. And didn't you continue by making this statement:

"When the microphone was discovered the 'letters from [2319] Moscow' heretofore referred to were merely figments of the imagination and were read so they would be copied on the record in the next room just to make it appear so completely ridiculous that it would be of no value to those who were tapping the meeting."

A. No.

Q. You didn't make that statement?

A. I did not.

Q. At that time? A. No.

Q. Now, Mr. O'Neil, after the stenographer had read to you the statement that I have—

(Testimony of James D. O'Neil.)

Mr. Grossman (Interposing): That is assuming something not in evidence.

The Witness: There is no such statement.

Presiding Inspector: The witness has taken care of your objection. He said there was no such statement.

By Mr. Del Guercio:

Q. Did the stenographer read back your dictation?

There was at no time that I made any dictation to be read back.

Q. Did you indicate certain corrections to be made to the stenographer at that time?

A. I did not.

Presiding Inspector: Did the stenographer read anything to you? [2320]

The Witness: No, sir. I was aware that the questions were being taken down, but at no time was anything read to me.

Presiding Inspector: We will take a short recess.

(Whereupon a short recess was taken.)

[2321]

Presiding Inspector: Mr. Del Guercio, you may proceed.

By Mr. Del Guercio:

Q. Now, Mr. O'Neil, did you appear at the office of the Federal Bureau of Investigation at 111 Sutter Street, San Francisco, on the night of April 22, 1941?

(Testimony of James D. O'Neil.)

A. I can tell you better if you can tell me on which day of the week it was.

Q. Well, I don't have a calendar here.

A. I came in there Tuesday night from Marysville.

Q. You are able to recall that?

A. I can't remember the date.

Q. That was sometime last week? A. Yes.

Q. And do you recall who were present at that time?

A. I believe you were present and I believe—I believe there was a chap, Mr. Schofield, or some such name as that.

Q. Did you remember your being introduced to Major Schofield? A. Yes.

Q. As head of the Immigration and Naturalization Service?

A. I believe that was his title.

Q. Did you remember Mr. Connelley being there, the Assistant Director of the Bureau of Investigation?

A. Yes. He is sitting in the chair. [2322]

Q. Do you remember my being there?

A. Yes.

Q. And do you remember Mr. Cassidy being there? A. I believe he was there, too.

Q. And do you remember our having a conversation at that time? A. Yes.

Q. And do you remember my stating whether you were willing to appear to testify in this proceeding? A. Yes.

(Testimony of James D. O'Neil.)

Q. Do you recall what your answer was?

A. Yes. I told you that I was not.

Q. And do you recall my asking you why you didn't want to appear to testify? A. Yes.

Q. And do you recall what your answer was?

A. Yes. I believe I told you that I had nothing to add to the case at all.

Q. Isn't it a fact that you stated at that time in the presence of Major Schofield, Mr. Connelley, Mr. Cassidy and myself that the reason you did not want to appear to testify in these proceedings was because you had been such a close friend of Harry Bridges that, if you did testify against him, you would be called a "rat"? A. No.

Q. By everybody on the Coast? [2323]

A. No, sir. No such statement was ever made.

Q. You deny that you made such a statement at that time?

A. I believe—I do. I believe I told you at that time that I had been a member of the labor union since way back in 1919 when I joined the Sailor's Union; that my record in the labor union had always been a clean one and that absolutely I was going to have no connection with this case.

Q. Do you remember, Mr. O'Neil, that at that time I told you we were interested in having witnesses in the case only to testify what they knew of their own knowledge and that I wanted nothing but the truth? Do you remember my telling you that?

(Testimony of James D. O'Neil.)

A. I believe you did make such a statement.

Q. And do you recall my asking you if you had been interviewed by Agents of the Federal Bureau of Investigation? A. Yes.

Q. And whether you had made certain statements to them?

A. I believe you asked me if I had been interviewed by Agents of the FBI, yes, and I told you that I had.

Q. And what was your answer?

A. I believe I told you that I had been on five or six different occasions. [2324]

Q. Do you remember my asking you at that time if what you had told the Agents of the Federal Bureau of Investigation was true?

A. Yes. I think you did ask me that.

Q. And do you remember your answer being that it was? A. That it was.

Q. That it was true? A. Yes.

Q. You did make that statement, didn't you?

A. Yes. I told you that I told them the truth.

Q. Do you remember you stating at that time and place and in the presence of the persons that I have mentioned as follows: "I have told the truth to Cassidy, but I am not going down there under any condition because I don't intend to". Do you remember making that statement?

A. I believe I did make that statement.

Q. And do you recall making this statement: "I made a statement to Cassidy and at that time I

(Testimony of James D. O'Neil.)

told the entire truth". Do you remember making that statement?

A. I said I answered Cassidy's questions and the questions of the other agents.

Q. And do you remember stating what you had told them was the entire truth?

A. Yes. [2325]

Q. And do you remember stating that Cassidy told you that they were looking for the facts?

A. I believe that's what Cassidy said, yes.

Q. And do you remember you stating that you had been a newspaper man for twenty-five years and "now I am a radio man at Marysville"?

A. That's right.

Q. And do you recall making the statement in the presence of the persons I have mentioned, "Harry Bridges is a Communist, and I saw him paste stamps in his book with his name in the book"? A. No.

Q. Do you remember making that statement?

A. No.

Q. You didn't make that statement?

A. No, I did not.

Q. In the presence of Mr. Schofield, myself, Mr. Connelley and Mr. Cassidy? A. No.

Q. And do you remember making—

Presiding Inspector (Interposing): He is asking you about last Tuesday night.

The Witness: Yes. Tuesday night at 111 Sutter Street.

(Testimony of James D. O'Neil.)—

Presiding Inspector: Yes.

By Mr. Del Guerciò:

Q. And do you remember making this statement at the [2326] same time and place this Tuesday night and in the presence of the same persons: "It was his right, his own name"?

A. It was what?

Q. "It was his right, his own name".

A. "It was his right, his own name?"

Q. That's right.

A. I don't know what you mean.

Q. You don't understand what I mean?

A. What was right?

Q. Referring to the Communist book you saw?

A. I certainly did not.

Q. And do you remember making this statement in the presence of the same persons at the same time and place: "I quit the Communist Party. I seemed to lapse—I just seemed to lapse."

A. No. No such statement was made at that time, or at any other time.

Q. And did you make this statement at the same time and place and in the presence of the same individuals: "I personally—" "I am personally opposed to the Communist Party now. They have tried to get me to head the Bridges Defense Committee". Did you make that statement?

A. I did not say that. I said at that time that I had been called by Harry Bridges myself to go on the Bridges Defense Committee. [2327]

(Testimony of James D. O'Neil.)

Q. Well, did Harry Bridges ask you to go on the Defense Committee? A. Yes.

Q. When did he ask you that, Mr. O'Neil?

A. He asked me that before I left here to go up to Marysville.

Q. It was after you had been interviewed by the Agents of the FBI, was it not?

A. What was the date of the first interview by the FBI men? I can't be sure when the—

Q. (Interposing) Yes, we want you to be sure.

A. I intend to be.

Q. The first interview was on October 7, 1940.

A. I believe that I was asked after that time.

Q. After that?

A. But understand, Mr. Del Guercio, there is one thing: Before I went down to 111 Sutter Street on the occasion when we spent the evening down there, that I went down and saw Harry Bridges before I went there.

Q. Oh, you did? A. Yes.

Q. And what did you tell Harry Bridges at that time?

A. I told Harry Bridges that I had been asked to go down to the FBI that night at 111 Sutter Street.

Q. And who else was present at the time you saw Harry [2328] Bridges?

A. I believe that Mike Quinn was there.

Q. And who else? Anyone else?

A. I don't think so.

Q. And where did you see Mr. Bridges?

(Testimony of James D. O'Neil.)

A. CIO headquarters.

Q. CIO headquarters? A. That's right.

Q. No one else was present? A. No.

Q. Did you ever talk to Mr. Grossman?

A. In connection with the—no, I didn't.

Q. Did you ever talk to Mr. Gladstein?

Mr. Gladstein: Is this on this occasion?

By Mr. Del Guercio:

Q. After you had been interviewed by the FBI Agents at any time? A. Oh, yes.

Q. How many times did you see Mr. Gladstein?

A. I believe I saw him once. It might have been twice.

Q. And did you go up to his office voluntarily or did he ask you to go up there?

A. I went up to his office voluntarily after I had [2329] been brought down here and put under \$2500.00 bond and forced to appear here. I thought it was time I had counsel.

Q. Is that the only time you saw Mr. Gladstein?

A. I might have seen him—let me see! I think I saw him the following day when the bond had to be arranged.

Q. Did you see him before that time?

A. You mean before I went down to the FBI?

Q. Before you were brought into Court here and plead guilty to contempt of Court?

A. No, I had not.

Q. You are sure of that?

A. I am quite certain of it.

Q. Did you see Mr. Grossman—

(Testimony of James D. O'Neil.)

Mr. Gladstein: (Interposing) Your Honor, may I ask this? The questions now that are being put to the witness be put in such a way so that the witness can understand the chronology of the dates.

Presiding Inspector: Yes.

Mr. Gladstein: Here's what is happening. What the witness has in mind is the time when he went to Marysville or—now, wait a minute!. No, that is not correct. Mr. Del Guercio asked him about the time that he spoke to Harry Bridges and that, the witness said, was before he went down to the FBI offices. Now, he has the witness—he wants to [2330] ask the witness as to whether the witness has seen us. Now, the witness has in mind the occasion that has just been testified about.

As far as seeing Mr. Grossman or myself, the facts are, and we don't question it, that Mr. O'Neil came to our office on Thursday night of last week and we are voluntarily making the statement, and we have seen him since that time.

Mr. Del Guercio: Are you making that for the benefit of the witness?

Mr. Gladstein: I am making that for the benefit of the record.

Mr. Del Guercio: Well, you haven't been asked yet, I submit, if the Court please. He hasn't been asked for any such statement.

Presiding Inspector: I think the statement would come in better a little bit later. If there is any doubt about the chronology here, you may, of course, ask that you be informed.

(Testimony of James D. O'Neil.)

The Witness: Yes, that it be straightened out.

Presiding Inspector: Certainly.

By Mr. Del Guercio:

Q. Do you recall the evening on Tuesday night, I believe you said, that you appeared at the office of the FBI? A. That's right.

Q. And that there were present Major Schofield, Mr. Connelley and myself and Mr. Cassidy?

[2331]

A. Yes.

Q. Do you remember that night? A. Yes.

Q. That was on Tuesday night last week, was it not?

A. That was the night I was brought down from Marysville.

Q. At any time before that occasion, before that meeting, and after you had been first interviewed by Agents of the FBI did you see Mr. Gladstein?

A. I did not.

Q. Did you see Mr. Grossman? A. No.

Q. Did you see Mrs. Carol King?

A. I did not.

Q. At no time?

A. No, not afterwards. Just a moment!

Mr. Gladstein: Just a moment! He said at any time between certain dates. Well then, you say "at no time".

Presiding Inspector: You mean at no time between the first interview with the FBI men?

Mr. Gladstein: He didn't say it.

(Testimony of James D. O'Neil.)

Presiding Inspector: Well, that's the way I understood it.

Mr. Gladstein: So long as the witness has it clear.

By Mr. Del Guercio: [2332]

Q. But you did see Mr. Bridges?

A. Yes. I saw him before the meeting and I saw him immediately after the meeting.

Q. When before the meeting did you see him?

A. I think it was around sometime in the afternoon.

Q. Can you place it definitely?

A. More definitely?

Q. Yes.

A. It would have to be approximately, well, around one or one-thirty because I would have to be back at work at three.

Q. Now, in relation to this meeting that we had in this office here on Tuesday last week, when did you see Harry Bridges?

Mr. Gladstein: Now the question is ambiguous. Is Mr. Del Guercio referring to the time that Mr. O'Neil went to see Mr. Bridges?

Presiding Inspector: No, no. I don't think it is capable of that understanding.

By Mr. Del Guercio:

Q. Did you understand the question?

A. I am trying to, but they are a little bit mixed up.

(Testimony of James D. O'Neil.)

Presiding Inspector: Read the question again.

Mr. Del Guercio: I will withdraw the question, if the Court please, and put it—— [2333]

Presiding Inspector: (Interposing) Well now, you are being asked a second time or a third time or more about when it was before the meeting of last Tuesday evening, how many hours or whatever it may have been, that you saw Mr. Bridges.

The Witness: After the meeting of last Tuesday night?

Presiding Inspector: Before the meeting of last Tuesday.

The Witness: Before the meeting of last Tuesday night I was up in Marysville and had been for some six or eight weeks.

Presiding Inspector: I understood you to say that before you went up on last Tuesday night you saw Mr. Bridges.

The Witness: No. Before I went to 111 Sutter Street the first time, which was away back in October.

Presiding Inspector: Oh, then I am confused.

The Witness: That was Thursday night in the presence of Mr. Bridges and in the presence of his attorneys.

By Mr. Del Guercio:

Q. Well, then you did see Mr. Bridges in the presence of his attorneys, Mr. Gladstein and Mr. Grossman?

A. Oh, yes.

Q. When was that?

A. That was Thursday night when I was served.

(Testimony of James D. O'Neil.)

with a Federal Court subpoena and a warrant was served on me and I was under bond.

Q. Do you recall when you were first questioned by the Agent of the FBI on October 17, 1940?

A. Was that at the Radio Station? [2334]

Q. Yes. A. Yes.

Q. Do you recall that? A. Yes.

Q. Did you see Mr. Bridges at any time after that date and prior to Tuesday of last week?

A. Yes, certainly I did.

Q. Now! Now we are getting somewhere.

A. I don't know where!

Mr. Gladstein: He said that before.

Presiding Inspector: I thought it was immediately before the meeting of last week.

The Witness: Listen!

Presiding Inspector: Before the meeting when the stenographer was present that you have been through.

Mr. Del Guercio: No, he stated—

Presiding Inspector: (Interposing) Let's find out.

The Witness: Let me answer that, Judge, in my own way instead of saying "Did you see him Monday" or "Did you see him last week"?

Presiding Inspector: Yes.

The Witness: I went down to see Harry Bridges on the afternoon of the day that I was going to 111 Sutter Street for the first time, which, I believe you stated, was last [2335] October. That may or may not be so. I told Harry that I had been asked

(Testimony of James D. O'Neil.)

to go down there voluntarily, and I agreed to go. Harry said they were asking everybody on the front to do the same thing. After the meeting that night I went down to see Bridges and I told him what had taken place.

By Mr. Del Guercio:

Q. Did you tell him everything that went on before the FBI? A. Yes.

Q. Did you tell Harry Bridges that you had seen his Communist book on his desk in his office some time in 1937? A. No, I didn't.

Q. Did you tell him that you had told the FBI men that you believed you knew Harry Bridges to be a member of the Communist Party?

A. No, I told him what had happened.

Q. And was that the time that Mr. Quinn was present also?

A. I don't know whether Mr. Quinn was present the second time. He was present the first time because it was in his office that we met.

Q. Did you see him at any other time after that before last Tuesday?

A. I didn't see him last Tuesday.

Q. Well, did you see him at any other time?

[2336]

A. I saw him Thursday night of last week.

Q. Before Tuesday of last week?

A. No. I don't recall that I did see him.

Q. Now, to go back to this last Tuesday evening about 8:00 P. M., in the presence of the persons

(Testimony of James D. O'Neil.)

that I have just told you, Major Schofield and Mr. Connolley and myself and Cassidy, did you make this statement "I could go down now and head the Bridges Defense Committee"? A. No.

Q. "I am very friendly with Bridges". Did you make that statement?

A. No, I did not. The Bridges Defense Committee was completely functioning and has been for weeks, to my knowledge.

Q. And do you remember Mr. Schofield asking you this question: "Do you know why he never became a citizen", referring to Bridges?

A. No. I don't recall that because I wouldn't know the answer to it.

Q. You don't recall that? A. No.

Q. And do you remember making the reply "I heard in the first time he was in Washington, and the second time I don't know why Harry Bridges did not prosecute the case." [2337] Do you remember that statement?

A. It's possible that I might have been asked that question and given that answer because I never was fully informed or never knew anything about the circumstances.

Q. And do you recall my asking you "Do you believe that an alien Communist should be deported?"

A. No. If I remember you asked me, did I believe that Harry Bridges should be deported? using the name.

(Testimony of James D. O'Neil.)

Q. Do you recall my asking you "Do you believe that an alien Communist should be deported"?

A. No, that was not the way the question was asked.

Q. And do you recall your answer, that your answer was in the affirmative?

A. No, you asked me if I thought that Harry Bridges should be deported and I said "No."

Q. And do you recall my asking you "Why do you object to doing your duty as I believe all ordinary citizens should, O'Neil"? Do you recall my asking you that?

A. Yes. I believe you did ask me that.

Q. And do you remember your reply as follows?

"Well, I will be frank about it. I was very closely associated with the labor movement and I still am. I do not belong to any union now. It was before"—"I was before a member of the American Newspaper Guild. I was on the 'Voice of the Federation', which is the paper for the [2338] Maritime Federation up and down the Coast. I was on this until I became West Coast CIO Regional Director, Publicity Man. I bought the typewriters, chairs, desks and everything was bought by me. I am not afraid". Do you remember your saying that?

A. I believe I did answer the question that way.

Q. Do you remember saying that?

A. Yes.

Q. And do you remember my asking you then

(Testimony of James D. O'Neil.)

"There must be some reason you do not care to testify"? Do you remember my asking you that?

A. Yes, I believe you did.

Q. And do you recall your replying as follows:

"It happened by accident. I had to put on a CIO radio program on KSAM. The station was off the air for a time. They tried these voices and some of them were good. Then for two years I was radio reporter, news, 15 minute program, each day. After that I went to KYA, KJBS, and handled their news over there. You can not divorce yourself from your voice, and to testify would ruin myself. No, I cannot agree. I have discussed that with Brunton. I am now working for KMYC, Marysville, only broadcast news, also general master of ceremonies on various programs. These people do not know I was a member of the Communist Party. That is the only reason I do not care to testify."

[2339]

A. No.

Q. Do you remember making those statements?

A. No.

Q. Do you remember making any of those statements?

A. Do you remember asking me if it wouldn't be possible if I wanted to get on the witness stand here and tell whatever I was supposed to answer, whatever answer you particularly wanted, if I couldn't go to some other part of the country? Do you remember that?

(Testimony of James D. O'Neil.)

Q. Do you mind my asking the questions for a moment or two?

A. No. There was no such—

Q. (Interposing) You have no objection to my asking you some questions?

A. No. But I want to get it straight. This is a little bit important.

Q. Do you remember Mr. Schofield telling you that if we did give you assurance they will not fire you would you testify? Do you remember Mr. Schofield asking you that?

A. Yes. But that happened later out in the hall when he told me that he had ways and means of assuring me that nothing would happen in Marysville.

Mr. Gladstein: Could I hear that answer, please?

Presiding Inspector: I think he answered it fully.

Mr. Gladstein: Could I hear it, please?

Presiding Inspector: Read the answer, please.

[2340]

(The answer referred to was read by the reporter as above recorded.)

The Witness: Mr. Schofield's statement did not take place in the room. It took place down the blind end of the corridor where he said "We have ways and means to assure you that your job is O.K. in Marysville".

By Mr. Del Guercio:

Q. And do you remember your reply as follows:

(Testimony of James D. O'Neil.)

"Well, they will be on there. I have not been threatened by anyone. Mike Cassidy is a friend of mine. No Government officer has threatened me at any time. I am the one who can place Bridges in the Party. I saw him put his stamp in his own book." Do you remember making that statement, Mr. O'Neil? A. No sir, I did not.

Q. You did not make that statement in our presence? A. No, I did not.

Q. And do you remember my asking you: "You saw him put his stamps in his own book? You saw his own name in the book?" Do you remember my asking you that?

A. No, I don't recall.

Q. You don't recall that. I might have asked you? A. I don't think you did, no.

And do you remember your reply as follows:

"Yes, I walked into Harry Bridges' office, and I said, 'You g.d. fool!'. He was relaxed and with his feet on the desk, and he said, 'I did not have time today.' And then you demonstrated with your thumb on the desk how Bridges pasted the [3341] stamp in his Communist Party book? Do you remember your saying and doing that?"

A. Wait a minute! I want to understand that. I walked in there? That statement says I walked in and found him with his feet on the desk and using his thumb to put stamps in a book?

Q. No, no. Then you demonstrated with your

(Testimony of James D. O'Neil.)

thumb how you saw Harry Bridges put his assessment stamps—

A. (Interposing) And the time I walked in his feet were on the desk? That must have been quite a performance.

Q. We have this statement here as we believed you said it.

A. Yes. Well, you haven't got it correct by any manner of means.

Q. And do you remember you further saying "I said, 'You g.d. fool! You are nuts!'" Do you remember your saying that?

A. No.

Q. You didn't say that?

A. No.

Q. "And he said, 'I am O.K.'" Do you remember you saying that?

A. No.

Q. "It was under the name of Dorgan." Did you say that? [2342]

A. No. I have been asked whether there was such a book as Dorgan.

Q. I am asking you now about this conversation in the presence of Mr. Schofield, myself, Mr. Connelley and Cassidy.

A. And the answer to your question is "No".

Q. On the evening of Tuesday of last week, or the evening of April the 22nd.

Presiding Inspector: He says, "No".

By Mr. Del Guercio:

Q. And do you remember your continuing as follows:

(Testimony of James D. O'Neil.)

"That is where you fellows are wrong." Did you make that statement?

A. That is where what fellows are wrong?

Q. "You fellows", referring to us, Mr. Schofield, myself, Mr. Connelley and Mr. Cassidy.

A. I might have made that statement. I have been thoroughly convinced of it for quite a while.

Q. You have? A. Yes.

Q. "It was an Irish name", do you remember using that? A. No, no, absolutely.

Q. You didn't make that statement? [2343]

A. Absolutely not.

Q. But you did make the other?

A. What?

Q. "That is where you fellows are wrong"?

A. I think I made the remark, "That is where you are wrong, "where you asked me about whether I believed Harry shouldn't be deported.

Q. And do you remember your continuing that "He was very proud of it"? A. What?

Q. Proud of the name "Dorgan"?

A. I never discussed the name "Dorgan" with him at any time in his entire life or my own.

Q. And do you recall your continuing "His card in this was green, a small green", then you demonstrated on the calendar that the size was about three by four inches?

A. No, I don't recall anything like that.

Q. You may have said that?

A. No. I did not. I might not have said it. I

(Testimony of James D. O'Neil.)

did not say it. There is no possibility of it being said.

Q. And your testimony is that you did not say those things? A. That's right.

Q. And do you recall continuing: "I went to work for [2344] him, I believe it was 1937, possibly 1937 or 1938"? Do you recall your saying that?

A. No. I don't recall that I did. Most of that evening was spent, what I admit now, is a very stubborn determination on my part that I was not going to be dragged into this case.

Q. But do you recall making that statement in our presence? A. No, no.

Q. Will you say that you did not make it?

A. Yes, I am stating now that I did not.

Q. And do you recall your continuing "I went to work for the unions in 1936. It was in 1937 or 1938. They later changed the color of the card"?

A. No.

Q. Do you remember making that statement?

A. I did not make it.

Q. And do you recall that you continued "It was a deeper green later"? A. No.

Q. You did not make that statement?

A. I did not make any such statement at that time or place.

Q. And do you recall that you continued "I could not get a job anywhere. They would say, 'The g.d. Communist is still got his Communist ideas'"? Do you remember making that [2345] statement?

(Testimony of James D. O'Neil.)

A. No. That was the point where you asked, I believe it was Mr. Schofield asked me, if I couldn't go to some other part of the country and get a job.

Q. Do you deny, then, that you made the statement that I just read to you?

A. Yes, I certainly do. I have done it now several times.

Q. And do you remember my then asking you, "Did you make a statement to anybody"?

A. Did I make what statement?

Q. My asking you in these words, "Did you make a statement to anybody"?

A. No, I don't remember any such question as that.

Q. Well, do you deny that I asked you that at that time and place?

A. Yes, I would.

Q. And did you reply "They do not know I made a statement to the FBI"?

A. No.

Presiding Officer: I don't quite get that. They know——

By Mr. Del Guercio:

Q. (Interposing) "They," referring to Bridges and his counsel, attorneys, "do not know I made a statement to the [2346] FBI"?

A. No.

Q. "They know they were following me around"? Do you remember making that statement?

A. "They know"—"They know they were"—

(Testimony of James D. O'Neil.)

Q. "They," referring to Bridges and his counsel, Mr. Gladstein, Mr. Grossman and Mrs. King. Do you remember making that statement?

A. That they were following me around?

Q. No, that the FBI men were following you around.

A. Yes.

Q. You made that statement?

A. I believe I said that Bridges was aware of it.

Q. But how about Mr. Gladstein and Mr. Grossman?

A. No, I wouldn't include them because I had no conversation with them about the hearing that I attended.

Q. And then you recall Mr. Cassidy asking you this:

"Do you recall telling me of Grossman calling you"? Do you remember Mr. Cassidy asking you that at that time and place, I am referring to last Tuesday night, in the presence of Major Schofield, Mr. Connelley, myself and Cassidy?

A. No, I don't recall that.

Q. Would you say that you didn't, that Mr. Cassidy didn't ask you that at that time and place?

A. I would certainly say that I don't remember being [2347] asked that question.

Q. And do you remember your reply as follows:

"They called me, and I said I had been up to see them but they did not follow it up." Do you remember your saying that?

A. No, I don't recall I did.

(Testimony of James D. O'Neil.)

Q. Well, would you say that you didn't make that statement?

A. Yes. I would at this time say that I didn't make that statement.

Q. You deny that you made that statement?

A. Yes.

Q. And do you recall your further stating "After this they first offered me the head of the 'Timber Worker' and then later they offered me a job of the head of the Harry Bridges Defense Committee"? Do you remember making that statement?

A. No.

Q. In the presence of Major Schofield, myself, Mr. Connelley and Mr. Cassidy?

A. No, I didn't make that statement.

Q. You deny having make that statement?

A. I do.

Q. And do you remember my asking you, "Is Mr. George Wilson a Communist?" Do you remember my asking you that?

A. I don't recall that you did.

Q. Would you say that I didn't ask you? [2348]

A. I would say off-hand that you did not.

Q. And do you recall your reply made in the presence of the gentlemen I have just mentioned "George Wilson is not a Communist but his wife was"? Do you recall making that statement?

A. No, I did not make any such statement.

Q. You didn't make it? A. No, no.

Q. "That is, Betty Ballentine"? A. No.

Q. Do you remember making that statement?

(Testimony of James D. O'Neil.)

A. No, I didn't.

Q. And do you recall that you continued "I did not call them, but later Harry Bridges called me on the telephone" referring to Bridges' counsel, Mr. Gladstein and Mr. Grossman, "Called me on the telephone and said he wanted me to head this job, and I told him, 'I can't,' that, 'If people knew you and I were connected it would end me.'"? Do you remember making that statement?

A. No. Why should I make such a statement as that when I was on the air every night of the week for the CIO?

Q. I don't know. I am asking you whether you made such statement in our presence.

A. No, I didn't make such statements. [2349]

Q. And did you further continue "I was out of a job here and the Marysville job materialized after I talked to you" turning around to Cassidy, "and said that I did not know what to do as I was out of a job and did not have any reason for turning the job down"? Do you remember saying that?

A. No, I stated the reason I didn't head the Bridges Defense Committee was because I had accepted a job in the North. I had gone when the first offer of the job came.

Q. Isn't it a fact that you were out of employment when Mr. Bridges first asked you if you would accept the job to head his Defense Committee?

A. Yes. I believe he had just heard that I was out of a job at the time.

Q. And he offered you a salary?

(Testimony of James D. O'Neil.)

A. No, there was no mention of salary. What he told me at that time was, if I could get a job I had been negotiating for in the Northwest, to go ahead and get it. He said that he didn't blame anybody for doing as good for themselves as they could, but if I would be around and available they would like to have me.

Q. Didn't you continue as follows: "I don't want to testify and will not testify, but I have actual visual knowledge of his membership," referring to Bridges, "and I know he was a member of the Communist Party." A. No.

Q. Didn't you make that statement? [2350]

A. No. I did make a statement that I don't want to testify and I am not going to testify.

Q. But did you make this statement "that I have actual visual knowledge of his membership"?

A. No.

Q. Referring to Bridges' membership?

A. No.

Q. "And I know he was a member of the Communist Party"? A. I did not.

Q. You didn't make that statement in the presence of Major Schfield, Mr. Connelley, Mr. Cassidy and myself? A. No.

Q. Tuesday evening?

A. No. I have answered "No." How many times do we have to go over it?

Q. And, to continue, did you further state "I have discussed this with him and Harry would discuss the matter with me. He would discuss the

(Testimony of James D. O'Neil.)

Party line and sometimes he would digress from it"? Did you make that statement?

A. No, I did not.

Q. In our presence at that time? A. No.

Q. And did you continue as follows: "You have a lot of witnesses testifying who do not know what a real top fraction meeting is"? Did you so testify?

[2351]

A. No, I didn't.

Q. Did you so tell us at that time?

A. No, I didn't.

Q. And didn't you further state, "A top fraction consisted of Bridges, Gladstein," referring to Mr. Gladstein, "Schneidermann"? Did you make that statement in the presence of Mr. Schofield, myself, Mr. Connelley and Mr. Cassidy?

A. Not in anybody's presence at any time. I did not.

Q. And didn't you also continue "I know Gladstein is a member of the Communist Party," then you said something obscene, "for a long time"?

A. No.

Q. Didn't you make that statement in the presence of Major Schofield, Mr. Connelley, Mr. Cassidy and myself?

A. No, I did not.

Mr. Del Guercio: Huh? You don't deny it, do you?

Mr. Gladstein: I certainly do. And you are a fool!

Mr. Del Guercio: If the Court please,—

(Testimony of James D. O'Neil.)

Presiding Inspector: Let's not have these exchanges back and forth.

Mr. Del Guercio: (Inaudible).

Mr. Gladstein: Say it out loud!

Mr. Del Guercio: You heard me!

Presiding Inspector: Just a moment! Stop this talking [2352] back and forth.

Mr. Del Guercio: I think counsel should have been admonished.

Presiding Inspector: Now, address your remarks to me, and the same with you, Mr. Gladstein.

By Mr. Del Guercio.

Q. Now, didn't you also—

Presiding Inspector: (Interposing) I want to ask a question.

Was there a stenographer present at this meeting?

The Witness: I believe this gentleman over there at the table (indicating) was taking notes, yes.

Presiding Inspector: Go ahead.

By Mr. Del Guercio:

Q. And didn't you continue by saying also "Also I know Grossman is a member of the Party"?

A. I did not.

Q. You did not make that statement?

A. No.

Q. And didn't you also continue "I know he was a member of the Communist Party—that he is a member"?

A. No.

Q. Do you remember making that statement?

(Testimony of James D. O'Neil.)

A. No, I didn't make it.

Q. You didn't make that statement?

A. No. [2353]

Q. And Del Guercio—do you remember my asking you this: "Is King a member"? And do you remember your reply, "Absolutely, no question"?

A. Is who a member?

Q. King, referring to Mrs. Carol King.

A. No, I didn't make any such statement about Mrs. King.

Q. And you didn't make that reply, "Absolutely, no question"?

A. As a matter of fact, I have never been introduced to Mrs. King. I have conducted everything through Mr. Grossman or Mr. Gladstein. I never met the lady.

Q. And do you recall you further stated "When he, Harry, would go to New York City I would make arrangements and he would see, I know, Joe Curran."?

A. I know Joe Curran.

Q. Did you make the statement?

A. I did not, but I happen to know Joe Curran. I have been twice offered the job as editor of the newspaper which he heads.

Q. Did you make the statement at that time that I just read? A. No.

Q. And did you continue as follows "He never mentioned Browder, but he also talked to Minor and Curran"? A. No. [2354]

Q. Do you remember saying that?

(Testimony of James D. O'Neil.)

A. No.

Q. And do you recall saying that "He would discuss this with me later"?

A. I never made such statement at any time in the presence of anybody or any place.

Q. And do you recall, continuing, at the same time and place, "When you asked if Gladstein is a member of the Party, that is foolish—it makes me laugh." Do you remember saying that?

A. No, I don't. I was asked if Gladstein was a member of the Party and I replied that "it is foolish," that makes me laugh?

Q. Yes.

A. I don't recall that there was any discussion about the matter.

Q. Would you say that you didn't say that?

A. Yes. I would say definitely that I didn't say it.

Q. And didn't you continue as follows: "Of course, Gladstein, Grossman, Margolis are all members of the Communist Party"? Did you make that statement?

A. You mean in one statement I said it made me laugh to think that Gladstein was a member, and in the next statement I said "Of course, Gladstein is a member"? [2355]

Mr. Del Guercio: Read the question, please.

The Witness: Read the one before, too.

Presiding Inspector: I don't think it is material here.

(Testimony of James D. O'Neil.)

Mr. Del Guercio: Sir?

Presiding Inspector: I don't think it is very material here.

Mr. Del Guercio: Well, it is material in this sense, if the Court please: Here is a witness who has made, and we will show he has made, those statements to certain Agents of the FBI and who sometime later, months later, made the same statements, similar statements, in the presence of Major Schofield and myself.

Mr. Grossman: Your Honor, we do not—

Presiding Inspector: I didn't hear anything about Mr. Gladstein or Mr. Grossman or Mr. Margolis in the earlier statement that you purported to read from, and I don't see that it is very material.

Mr. Grossman: This is one occasion where we agree with Mr. Del Guercio. We think this is quite material because it shows how the FBI will falsify statements that were not made, and we therefore do not object to it going in and ask that the whole thing go in.

Presiding Inspector: I haven't ruled it out, Mr. Grossman. [2356] but I was calling Mr. Del Guercio's attention—

Mr. Del Guercio: (Interposing) I hope—

Presiding Inspector: (Continuing) —to the fact that it wasn't very material.

Mr. Del Guercio: I hope that Mr. Grossman can back up his statement that the FBI are falsifying reports. That is an accusation—a criminal accusation, your Honor.

(Testimony of James D. O'Neil.)

Presiding Inspector: Let us go on with the trial: "Hearing," I suppose. It is not a "trial." Ask the next question.

Mr. Del Guercio: Do you want to hear me on the materiality as to whether Grossman and Gladstein are members of the Communist Party?

Presiding Inspector: No. I don't see that it is material, but that is my present view. Now, if counsel for the Alien does not object and you think it is material——

Mr. Del Guercio: I think it is very material.

Presiding Inspector: (Continuing) ——I will take it.

By Mr. Del Guercio:

Q. And did you continue as follows, Mr. O'Neil:

"I have attended at least five Communist Party meetings with Bridges and Hanoff was at all of these."

Presiding Inspector: Now, just a moment! I was confused about a question and the witness asked to hear the question [2357] and answer a couple of questions back, and I would like to hear them, too.

The Witness: The questions were in regard, as I remember, Judge,—the first question was where I was alleged to have stated that Gladstein was not a member of the Party and had made me laugh, then I said that all the counsel were.

Presiding Inspector: I am sure that that implication is not necessary, although I understand you are taking it.

(Testimony of James D. O'Neil.)

Just read that about making him laugh. I think that counsel—well, I won't say.

(The questions and answers referred to were read by the reporter as above recorded.)

The Witness: It is clear. In one question read to me I have given one answer and in the next one I have presumably given another, both contradictory.

Presiding Inspector: You can take another implication. The suggestion is, if I may say it, that it was so conspicuously so that you laughed at their even asking the question.

The Witness: That wasn't the impression I got out of it.

Presiding Inspector: That, I think, is the impression that counsel suggests to the question.

By Mr. Del Guercio:

Q. And then did you continue by making this statement "I have attended at least five Communist Party meetings with [2358] Bridges and Hanoff was at all of these. I never attended any meetings with Pritchett"? Did you make such a statement?

A. No. But you did ask me a question about Pritchett being a member of the Communist Party, and I said that I never met him.

Q. You deny at this time that you have made the statement as I have read it?

A. I certainly do.

Q. And do you recall continuing as follows, "I have yet to meet Pritchett"?

A. Yes, I was asked—

(Testimony of James D. O'Neil.)

Q. (Interposing) Do you remember that?

A. Yes, and I said I had never met him and I never have.

Q. And do you recall saying that "I have not met Mickey Orton"??

A. No, I didn't make that statement, because I have met Mickey Orton.

Q. You have met Mickey Orton? A. Yes.

Q. And do you remember your making this statement regarding Mickey Orton "He belonged, but as to that I am not sure."

A. No, I did not because there has never been any question about Mickey Orton at all. [2359]

Q. You didn't make that statement at that time and place? A. No.

Q. And do you recall your continuing as follows: "I never attended meetings with either Pritchett or Orton?" Did you make that statement?

A. No, I did not make that statement.

Q. And do you recall making this statement "I would take the daughter of Bridges home from the Bal Tabarin. He would toss me the keys, and I would take her home. This was social"? Do you recall making that statement?

A. I believe in answer to that question I did state that we had been out for the evening at the Bal Tabarin and that I did take his daughter home, yes.

Q. And do you remember your continuing "The meetings I attended with Bridges were closed Communist Party meetings"?.

A. No, I did not make that statement. I have

(Testimony of James D. O'Neil.)

never been to a Communist meeting of any kind in my life.

Q. I am talking about Tuesday night in the presence of Major Schofield, Mr. Connelley, Mr. Cassidy and myself.

A. So am I. I already said "No" to it. Apparently I have to say "No" four or five times.

Q. I want to be sure that you understand the questions.

A. I understand it thoroughly.

Presiding Inspector: I think there is a good deal of [2360] repetition.

Mr. Del Guercio: If your Honor please, I think there should be because we want to make certain—

Presiding Inspector: I don't think it makes it any stronger.

The Witness: Might I state at this time that I just got out of the hospital a week ago for pneumonia, and this is a little bit trying, and I don't like to answer the same questions three or four times which I have been doing all morning.

By Mr. Del Guercio:

Q. And do you remember your continuing "I have only been at four or five, and sometimes there was no reason for me being there"?

A. I didn't make any such statement.

Q. You didn't make that one? A. No.

Q. And do you remember making the statement "They would call me when it concerned the waterfront"?

A. No, I didn't make that statement.

(Testimony of James D. O'Neil.)

Q. Do you remember making that one?

A. No.

Q. Do you remember making the statement that "I was Regional Director of the CIO publicity and was getting \$50.00 a week"? [2361]

A. Somebody asked me and I told them what the salary was.

Q. Then you did make that statement?

A. Yes.

Q. Did you make the statement that "I got paid from Washington"?

A. I understand we are talking about the meeting of last Tuesday night, and I don't recall that the question of salary came up the other evening at all.

Q. Do you recall making the statement "The union went in the CIO. It would be 1937—it was after the strike"? Do you recall making that statement?

A. What union went into the CIO?

Q. Do you recall making the statement as I read it?

A. No. It doesn't make sense as you read it to me.

Q. Do you recall making this statement "In June he was named Secretary of the CIO, and I called him for a job and took my job as publicity director and I got my salary then from Washington"?

A. No, I don't recall any such statement as that on Tuesday evening.

Q. And do you recall your continuing "Prior to that I got my salary from the 'Voice of the Federation', \$50.00 per week paid for five years' experience

(Testimony of James D. O'Neil.)

as a newspaper man, the [2362] salary paid for this"?

A. No, I don't recall that that subject came up at all. That was discussed and covered at other meetings, but not at that one.

Q. Do you recall that you continued, "I came here in the fall of 1936, which was the time I took over the paper. I came to the State of California possibly twelve or fourteen years ago, I would say off-hand"?

Do you remember making that statement?

A. No, I didn't. I don't believe that that is correct, of when I came to California.

Q. Do you recall making this statement "I have told you guys the truth, and on the stand tomorrow it will be a different situation. I will go up on the stand and say that to testify is a crucifixion"? Do you remember making that statement?

A. I did not make any such statement.

Q. And do you remember then my asking you if you intend to go on the stand and tell the truth? And do you remember your reply "I cannot do it"?

A. I made no such statement.

Q. What?

A. I made no such statement. Do you recall bringing in a subpoena that particular evening because I said I would not [2363] take the stand?

Mr. Del Guercio: I move that that be stricken upon the ground it is not responsive.

Presiding Inspector: Yes, strike it out. Just answer the questions.

(Testimony of James D. O'Neil.)

By Mr. Del Guercio:

Q. Mr. O'Neil, do you remember making a telephone call from a pay telephone on Balboa Street to Mr. Cassidy on March 18, 1941?

A. March 18?

Q. Uh-huh (affirmative); this year.

A. No, but I believe I informed him—I believe I called him from home to tell him that I was leaving San Francisco.

Q. About March 18, 1941?

A. It would be approximately around in there someplace.

Q. And do you remember telling him in that telephone conversation, telling Mr. Cassidy, that if you were called as a witness you may as well jump in the Bay and have it over with?

A. No, I don't recall any such statement.

Q. Did you ever make such statement to Mr. Cassidy over the telephone?

A. No, I didn't.

Q. You never did? [2364]

A. No, no.

Q. And did you make this statement to Mr. Cassidy over the telephone, that same telephone conversation that on the previous afternoon, Monday, March 17, 1941, you had received a telephone call from Harry Bridges who asked you if you would take over the job of running the Bridges Defense Fund?

A. I did not. I made that statement directly to Cassidy and not over the phone. I made a brief statement that I was leaving San Francisco, because

(Testimony of James D. O'Neil.)

I didn't want to leave any impression that I was running away or in flight from anyone. That was why I called.

Q. And did you further state at the same time over the telephone, March 18, that Mervin Rathborne would continue as the nominal head of the fund, that Harry wanted you to do all the actual work?

A. I made no such statement over the phone.

Q. You made no such statement. And didn't you over that telephone conversation ask for advice as to whether you should accept the position as head of the Defense Committee,

A. I did not ask for any such advice, no.

Q. And didn't you say—also say at that time and place that you could act as an informant and in that way the Bureau would have a pipeline to all of the activities trans- [2365] piring in regard to the Defense Fund?

A. I certainly made no such statement.

Q. You didn't make any such statement?

A. No.

Q. To Mr. Cassidy?

A. No. If I could have played a dirty game like that, I wouldn't be here under \$2500.00 bond the way I am. I don't play that game.

Does a chance come later, Judge, to explain some of these things?

Presiding Inspector: Mr. Gladstein will ask you the questions.

By Mr. Del Guercio:

Q. And didn't you further state that you would

(Testimony of James D. O'Neil.)

accept the job only if you could be assured that you would not be used as a witness?

A. I did not make any such statement.

Q. And that with that understanding you would furnish the Federal Bureau of Investigation with any information of possible value that you might obtain?

A. I did not.

Q. And didn't you also say in that same telephone conversation that you needed the work and that you could offer Bridges no plausible reason for not accepting the position as [2366] you had been unemployed since November 22, 1940 when you lost your job at the broadcasting station?

A. I did not, because he told me to take the job in the North rather than to go to work on the Defense Committee; because it would presumably be permanent. You have seen to it that it wasn't. [2367]

Q. And did Mr. Cassidy call you back later on that same day?

A. He did not. As I recall it I made the call from my home.

Q. I mean did he call you back that day, or the following day, on the telephone?

A. I don't believe so.

Presiding Inspector: He doesn't believe so. I suppose he means he has no such recollection.

Mr. Del Guercio: I am trying to refresh his memory.

(Testimony of James D. O'Neil.)

By Mr. Del'Guercio:

Q. Do you recall if Mr. Cassidy told you over the telephone shortly thereafter, that is, the previous telephone conversation, that he did not know whether you would be used as a witness in the Bridges case?

A. No; I don't recall we discussed it. I stated I was leaving and my reason for going.

Q. And that the matter of calling you as a witness would be entirely in the hands of the officials who were to present facts to the Examiner?

A. I believe he told me that personally one time; but, not in connection with this telephone conversation.

Q. And did Cassidy also tell you that the question of your accepting the position offered you as head of the Bridges Defense Fund was a matter that you would have to decide for [2368] yourself?

A. No, because I didn't call up to discuss that. I called to say I was leaving town.

Q. Now, Mr. O'Neil, when were you served with a court subpoena—and by a court subpoena I mean a subpoena issued by a Judge of the U. S. District Court, to appear in this proceeding to testify?

A. I believe that was Wednesday.

Q. Wednesday? A. I believe so.

Q. And you did not appear, did you?

A. I did not. I planned to come down in the afternoon but a warrant was issued for me before noon time.

Q. And what did you do that evening, on the

(Testimony of James D. O'Neil.)

evening that the court subpoena had been served upon you?

A. I went down to see Mr. Grossman and Mr. Gladstein at their office in the Mills Building.

Q. And what time did you go there?

A. I couldn't say positively. It was fairly early in the evening; possibly around—I couldn't venture an exact guess on that.

Q. Well, had anyone telephoned you to go up to see Mr. Gladstein and Mr. Grossman?

A. No. I called on them.

Q. Did Mr. Gladstein—did you go to Mr. Gladstein's [2369] office? A. Yes.

Q. Where is that?

A. In the Mills Building.

Q. What time did you arrive there?

A. I just told you I can't be positive.

Q. Was it at night?

A. Yes; it was in the evening.

Q. Was it dark when you arrived there?

A. Yes.

Q. Who were present there in Mr. Gladstein's office?

A. Harry Bridges, Mr. Gladstein, Mr. Grossman, my wife and myself.

Q. Was Mrs. King there?

A. I don't recall if she was in there when I was discussing this matter with them.

Q. How long did you remain in their office that evening? A. Possibly a couple of hours.

Q. What was discussed?

(Testimony of James D. O'Neil.)

A. We talked about this subpoena which had been issued.

Q. Is that all?

A. We talked about the case in general.

Q. What do you mean, "about the case in general?"

A. Just exactly that—about the case in general.

Q. What was said about the case?

A. As to why I was down here and why they particularly [2370] wanted to question me.

Q. As to who—

A. (Interposing) As to why I was going to be questioned.

Q. Questioned by whom?

A. At the hearing here.

Q. Who did you tell that to?

A. I answered these gentlemen; they asked me.

Q. Did they give you a reply, did they say why you were coming down here?

A. They asked me why I was coming down here.

Q. Did you tell them?

A. I told them I had been in Marysville working when two FBI men came up there and insisted that I leave immediately and come down here immediately. They had no subpoena for me, but I knew it would be a waste of time to argue for they would come back the next day, so I came down.

Q. You came down voluntarily from Marysville?

A. Yes, sir; no sense taking any other tactics.

Q. Did they threaten you? A. No.

(Testimony of James D. O'Neil.)

Q. What else was said in Mr. Gladstein's office that night?

A. We discussed subpoenas, and I was advised the best thing to do was to appear.

Q. Who advised you to do that?

A. Mr. Gladstein or Mr. Grossman. [2371]

Q. You didn't appear?

A. No. I planned to appear in the afternoon, but I didn't appear.

Q. What else was said about the Bridges case and about your testimony?

A. I can't recall, except I believe that Bridges said the advice he gave me when I went to 111 Sutter Street the first time was still good.

Q. What advice was that?

A. To get up and tell the story as it happened.

Q. Did you tell Mr. Gladstein and Mr. Grossman and Mr. Bridges there that you had already made a statement to the FBI?

A. No, I didn't because I have not made a statement.

Q. And that you had had conversations with them?

A. Yes, conversations; questions had been put at me.

Q. Did you tell Mr. Gladstein, Mr. Grossman and Harry Bridges there that you had dictated a statement to a stenographer in the FBI office?

A. No, I did not, because I did not dictate one.

Q. What else did you talk about during these two hours you were up there?

(Testimony of James D. O'Neil.)

A. Well, I think that pretty well covers the ground.

Q. Do you mean that is all you talked about in the two hours?

A. That, and the general aspects of the case; yes. [2372]

Q. What were the general aspects—let me have some particulars in that connection. What was said about the Bridges case generally?

A. I couldn't recall exactly what was said there that particular evening because I was too completely upset about what had taken place.

Q. Did you make any statement to Mr. Gladstein, Mr. Grossman, or Harry Bridges, any written statement? A. I believe I did; yes.

Q. Did you dictate it?

A. Yes, I believe I did.

Q. What was the statement concerning?

A. I don't recall now what was in it.

Q. You don't recall? A. No.

Q. Did a stenographer take down what you were saying? A. Yes.

Q. Was a stenographer present? A. Yes.

Q. And you signed the statement?

A. Yes, I believe I did.

Q. How long was the statement?

A. I don't recall how long it was.

Q. Did they read it back to you? A. Yes.

[2373]

Q. Was it true, everything that you said in the statement? — A. Yes.

(Testimony of James D. O'Neil.)

Q. And you signed it? A. Yes.

Q. Were you given a copy?

A. No, I don't believe I was.

Q. Did you ask for a copy?

A. No, I don't recall that I did.

Q. Did you see them again that evening, or the following day, that is, Mr. Gladstein, Mr. Bridges or Mr. Grossman?

A. No—that is Thursday evening you are talking about?

Q. Yes.

A. Yes. On Friday there had to be a change made in the bond and I went to their office again.

Q. Who furnished your bond?

A. I believe it was the Bridges Defense Committee.

Q. The Bridges Defense Committee?

A. Yes.

Q. You were found in contempt of Court, were you not, Saturday morning? A. That is right.

Q. And your sentence has been suspended, is that correct? A. That is right.

Mr. Grossman: If your Honor please, I would like to correct [2374] that. I do not know of my own knowledge, but it was in the newspapers that sentence has not been suspended, but that judgment has not been given yet.

Mr. Del Guercio: Yes, judgment has not been given. That is what I meant—it was postponed.

The Witness: Postponed until they could see

(Testimony of James D. O'Neil.)

what they thought of my testimony here. That was the statement.

By Mr. Del Guercio:

Q. Is that what Judge Louderback told you?

A. That is correct. That is what either Judge Louderback said, or the Federal Attorney standing there said, and the Judge agreed.

Q. Who was the U. S. Attorney there?

A. I don't know him.

Q. Was it Mr. Licking?

A. I believe that was the name.

Q. And he made what statement to you?

A. He made the statement—first off, they wanted to pass the sentence on Tuesday. I think Mr. Licking made the suggestion that it come up Wednesday morning instead, pending my appearance on the stand and my attitude at that time.

Q. He said pending your attitude at the time you appeared on the stand?

A. I couldn't say his exact words, but the statement was to the effect that what I had to say here would depend on what [2375] happened at that time.

Q. Were all of the statements that you made in the presence of myself, Major Schofield, Mr. Connelley and Mr. Cassidy, on Thursday night—I mean on Tuesday night of last week, true and correct?

Mr. Gladstein: We have been all through those statements one by one.

Presiding Inspector: I think he may say whether

(Testimony of James D. O'Neil.)

they were—not the statements that were read—he is asking whether he truthfully answered their questions. That doesn't mean those statements.

Mr. Gladstein: I understand.

A. That is correct. I answered the questions truthfully.

By Mr. Del Guercio:

Q. All these statements that you made that night?

A. All the things you asked me I answered to the best of my ability.

Q. I am not asking you that. I am saying all of the statements—pay close attention—that you made in the presence of Major Schofield, Mr. Connelly, Mr. Cassidy and myself on Tuesday night last week, were all those statements true and correct?

A. You have just read off a purported list of—

Presiding Inspector: No, no, no. He asked you whether what you told them, in answer to questions and also those state- [2376] ments which you made not in answer to questions, whether your answers and statements were correct.

The Witness: They were correct.

By Mr. Del Guercio:

Q. And were all of the statements that you made to the Agents of the Federal Bureau of Investigation from time to time true and correct?

A. I answered their questions to the best of my ability and told them the truth.

(Testimony of James D. O'Neil.)

Q. Your answers, they were correct?

A. That is right; yes.

Q. Mr. O'Neil, when you arrived at Mr. Gladstein's office Thursday night of last week, did Mr. Gladstein or Mr. Bridges tell you that they had that same afternoon, or evening, tried to come down to your home, but didn't go in because they saw a car there with some officers in it?

A. I don't recall that statement was made, but the car was there.

Q. The car was there—you knew that?

A. Yes, sir. The house was picketed.

Q. Did you tell Mr. Gladstein that the car was there?

A. I believe I did. In fact, the car followed us down to his office.

Q. Did you call Mr. Gladstein up when you saw the car standing in front of your house? [2377]

A. I don't recall that I did; no.

Q. You don't recall. Would you say that you did or did not call?

A. I couldn't be sure as to whether I called or not.

Q. It is possible that you did call?

A. It is possible that my wife might have called.

Q. Is it also possible—

I didn't get your last answer.

(The answer referred to was read by the reporter as above recorded.)

(Testimony of James D. O'Neil.)

By Mr. Del Guercio:

Q. I will ask you the question again: Is it possible that you might have called that evening, might have called Mr. Gladstein, Mr. Grossman, or Harry Bridges, after you saw the car in front of your house?

A. No, I don't believe I called.

Q. You are not sure?

A. I wouldn't want to be certain.

Q. How did you go to Mr. Gladstein's office from your home? A. We went down in a car.

Q. Your own car? A. I have no car.

Q. Whose car was it?

A. I couldn't be sure about that. [2378]

Q. You are not sure whose car it was?

A. No. Just a minute—I want to explain here that I have been thoroughly confused for the past few days. I think you are aware that I got out of a hospital with pneumonia, and I have been arrested and put under \$2500 bond, and such things as whose car did I go in, and so forth, and so on—

Presiding Inspector: Is this material?

Mr. Del Guercio: Yes.

Presiding Inspector: I don't see the slightest materiality. He testified that he didn't call up Mr. Gladstein's office heretofore.

Mr. Del Guercio: No; he said he might have.

Presiding Inspector: His last answer was that his best recollection was that he didn't, but that he wouldn't be certain.

(Testimony of James D. O'Neil.)

Mr. Gladstein: I might as well say that my knowledge is that Mr. and Mrs. O'Neil came to our office in a Yellow taxicab and I think they left the same way.

Presiding Inspector: I don't suppose you ought to volunteer that.

Mr. Gladstein: It has no materiality.

Mr. Del Guercio: I think that is improper.

Presiding Inspector: It is improper.

Mr. Gladstein: What is the materiality of this?

Presiding Inspector: I can't see any materiality of it.

Mr. Del Guercio: No materiality when he went to Mr. Glad- [2379] stein's office?

Presiding Inspector: Not at all. I can't see, whether Mr. Gladstein, Mr. Bridges, or anyone else took him there, I do not see that it has the slightest materiality. This case isn't going to be tried or determined upon such suspicions or anything of this kind. It is going to be tried and determined upon the evidence.

If you remember why you may state it, but if you can't that is all there is about it.

The Witness: I can't be certain.

Presiding Inspector: Have you any recollection at all on it?

The Witness: I remember I went down there.

Presiding Inspector: You went in a motor car?

The Witness: Yes; in an automobile. There were a lot more things worrying me than the make.

(Testimony of James D. O'Neil.)

of the car and who was driving it on that particular evening.

Presiding Inspector: I can't see any materiality to it. If you want to press it you may press it still further.

Mr. Del Guercio: In view of the statement of the Court I won't press it further.

May I make this request—we are about ready to adjourn, I assume?

Presiding Inspector: Yes.

Mr. Del Guercio: I request that the witness be admonished [2380] not to talk to anyone during the noon recess.

Presiding Inspector: I think it would be wise for him not to talk to anyone. I won't admonish him.

Mr. Gladstein: I might mention that we have no objection to that. But I think the record should show that heretofore every witness that Mr. Del Guercio has put on has been in the custody of the Government during all recesses, even during cross examination by us.

Presiding Inspector: This case isn't going to be determined on that.

Mr. Gladstein: I know, but I want to point that out for the record. We do not know what they have been doing with the witnesses during our cross examination.

Presiding Inspector: All I say is that I think it would be wise for Mr. O'Neil not to talk to anybody during the noon recess about this case.

(Testimony of James D. O'Neil.)

Mr. Del Guercio: I think counsel should be admonished as to his choice of words. No witness has been in custody, if the court please, and let the record show that.

Presiding Inspector: We will recess now until 2:00 P.M.

(Whereupon, at 12:35 P.M. a recess was taken until 2:00 P.M. of the same day.) [2381]

After Recess.

2:00 O'Clock P.M.

Presiding Inspector: All right, Mr. Del Guercio. You may proceed.

JAMES D' O'NEIL

called as a witness on behalf of the Government, having been previously duly sworn, testified further as follows:

Direct Examination (Resumed)

By Mr. Del Guercio:

Q. Mr. O'Neil, you testified this morning that you had been interviewed by Agents of the Federal Bureau of Investigation a number of times, is that correct? A. That is correct.

Q. During any of these interviews were you intimidated or threatened by the FBI agents?

A. Well, I don't know what you call it, but Major Schofield, in that meeting, said that if I didn't turn out to be a reluctant witness that my job

(Testimony of James D. O'Neil.)

would be perfectly safe, whereupon my job was lost the following day when I did turn out to be a reluctant witness.

Q. I am calling your attention to the interviews that you had with the Agents of the Federal Bureau of Investigation during the several interviews with the Agents, and am asking you if you were in any way intimidated or coerced or threatened?

A. The agents were in on that hearing. [2382]

Q. What?

A. The agents were in on that hearing that I am referring to, the one down there in your office.

Q. Is it your testimony that you were coerced and threatened by the agents?

A. I regard it more or less of an intimidation to say "Your job is all right provided you turn out to do the thing we want you to."

Q. Is that the only thing you have in mind?

A. That is the only thing I can recall at the moment.

Q. Do you recall anything else—I will give you all the time you want to think about it.

A. I don't believe I do right now.

Q. Can you recall anything else?

A. No, I can't.

Q. You weren't threatened?

A. No.

Q. Or coerced?

A. No.

Q. You weren't intimidated, other than the statement you made that Major Schofield is purported to have said?

A. No.

Q. That is the only thing?

(Testimony of James D. O'Neil.)

A. That is the only thing that I can recall.

Q. And that refers to all the interviews you had with [2383] the FBI agents, the Government agents?

A. I would say so.

By the way, would you consider it an interview up at the house there when they were coming up the back stairs and also up the front and hammering on the door and demanding admittance, cars parked outside the apartment house?

Mr. Del Guercio: I move that that be stricken, your Honor.

Presiding Inspector: No. I think I will allow that.

If you consider that an interview would you say there was any coercion in that?

The Witness: I would certainly regard it as coercion; yes, sir.

By Mr. Del Guercio:

Q. And when did that occur?

A. That occurred, if I am not mistaken,—I can't be dead sure about the date, but I believe it was on Wednesday when I had failed to respond to the first subpoena to appear in 111 Sutter Street.

Q. That was Wednesday of last week?

A. And Thursday.

Q. And Thursday? A. Yes.

Q. And that was after you had made the statements to the FBI, the statements in the presence of Major Schofield, Mr. Connelley, myself and Cassidy? [2384]

(Testimony of James D. O'Neil.)

A. That was after I had answered their questions.

Mr. Del Guercio: Yes. You may cross examine.

Cross Examination

By Mr. Gladstein:

Q. Mr. O'Neil, during the examination that Mr. Del Guercio conducted this morning you at one time turned to Judge Sears and said, substantially, "May I explain how this happened?" Judge Sears said "You may make your explanation when Mr. Gladstein examines you." I will now ask you to explain in your own words beginning at the beginning with your first interview with the FBI and telling in chronological order as nearly as you can all of the incidents connected with your various interviews with the FBI. Will you please do that?

A. Well, the first two interviews were conducted at Radio Station KJBS. I was employed there at the time. That took place in an audition room down the hall. At that time the opening statement was "When did you cease to be a member of the Party?" My reply to that was that I had not ceased to be a member of the Party, that I was not a member of the Party and never had been." Whereupon at that time they began asking me questions about a number of people who are prominent in the waterfront labor movement. As I recall,—I can't recall them all because some of them I had never heard of. They obviously were from some place other than San Francisco. Henry

(Testimony of James D. O'Neil.)

Schmidt's name was mentioned, Bridges, Mervin Rathborne, officials of the [2385] Newspaper Guild; in fact, officials of practically every Union with which I came in contact during my two years at the CIO.

At the end of the first interview, which consumed, I should say, possibly an hour and a half, somewhere around there, I was asked who the callers were.

Q. Who asked you that?

A. Mr. Brunton at the radio station. I informed him who they were and what their purpose was. As I recall, he made the remark that if I knew anything I should go down and I could become the biggest figure on the Pacific Coast by proceeding to "turn in" Harry Bridges. I said I knew nothing of Bridges which could be of any value to the people. I believe another interview was held—at that time I was asked to come down to 111 Sutter Street, and I saw no particular reason for not going except I think the night they asked me to go down there was the night that John L. Lewis was speaking in the election. He was coming out with an important statement. I didn't want to miss it, so I postponed the meeting until the following evening. I think it was the following evening.

In the meantime I contacted Harry Bridges. Harry laughed when I told him what had happened, that I was going to be called down. He said "You are only one of several who worked down at the front who have had the same thing". He said "The

(Testimony of James D. O'Neil.)

only thing is to go down and tell them the truth. You have nothing to worry about." Which I did.

[2386]

In the course of the meeting, which was read as a statement, paragraph by paragraph, the questions that were asked me now appear to be questions that were asked me corroborated by myself. Let me see! That was, I believe, the third meeting, if I am not mistaken. Two took place at the radio station. The third one took place at 111 Sutter. There were two subsequent meetings at the house. On that occasion I was called on the phone and asked if I would come down to 111 Sutter, and I felt and I said that I felt I had nothing to add to what had already been said. Well, they came out to the house anyway on two different occasions. I couldn't say exactly how long, but I believe that one of the sessions up there when they were going over names, calling up names of men and women both, who were prominent in the labor movement, "Did I know that they were affiliated with the Communist Party?" "Did I ever attend Communist meetings with them?" The answer was that I had not. "Well, so and so," and somebody would be brought in who I might or might not know. When I say "brought in"; their name brought in and I was told that they had said that I had been at such meetings.

Well, I stated that they were meetings of Labor's non-Partisan League, they were meetings of the Maritime Federation of the Pacific, they were meet-

(Testimony of James D. O'Neil.)

ings of the CIO Council. The meetings were a great many varied labor groups, at which I was present and in which these figures were present because, for [2387] instance, I believe at that time Henry Schmidt was the President of the Local of the ILA at one time and later on of the ILWU. Certainly I attended such meetings but they were not Communist meetings. And I so stated. And yet time and again, you understand, once a question was answered that wasn't the end of it. It was brought up at the subsequent meeting, or possibly the same evening with the statement that "this man" or "that man" was reported to have seen me, or "It was reported that you were seen there, Jim, and it was a Communist meeting." That is why this statement this morning is a composite picture of the entire six interviews and not of any one particular one.

Now, when I mentioned a few moments ago "intimidation" or meetings that were held at the house, I regard it as intimation when two of the agents stormed up the back stairs the other day to try to convince me that I should come down to the hearing. I regard it as nothing less than intimidation if a man came up there, I believe that was to serve the Federal Court warrant and he slammed on the front door of the apartment so loud that it could be heard all over the entire building. When we opened up the thing he dashed into the room and served the paper on me.

(Testimony of James D. O'Neil.)

I was due to appear at ten o'clock in the morning, and it was right around noon time that the warrant was served on me and I was brought down.

[2388]

Q. Have the agents of the FBI been watching your home?

A. They have been parked outside in a car.

Q. Have the agents of the FBI been following you around town and shadowing you?

A. Yes: they followed me the night I went down to your office.

Q. Proceed with your story, Mr. O'Neil, telling us what else happened.

A. At the time that I left San Francisco to go to Marysville I did contact Mr. Cassidy because I wanted it understood why I was leaving town. I had previously talked to Harry Bridges and he had mentioned that it would be a good idea if I did go to work for the Bridges Defense Committee, but he also made the statement, "If you can get yourself a better job, or a more permanent job, go to it," because he didn't blame a man for doing the best he could do for himself.

So I took a job up in the northern part of the State.

I have been up there for some six weeks. When I was taken sick I had to go to the hospital and I just got out of the hospital less than a week ago.

Q. What were you in the hospital for?

A. Bronchial pneumonia. I got out of there on

(Testimony of James D. O'Neil.)

Saturday and the following Tuesday the agents appeared.

Q. Do you remember which agents they were?

A. Cassidy, and the other chap's name I don't recall. [2389] I don't know—I think I was introduced to him, but I don't remember his name. I don't see him here today.

They had a car with them. I had to go on the air at the time, had a broadcast to take care of at 12:25, followed by another one at 12:30. I completed those broadcasts and I realized there was no sense in trying to evade coming down here because I knew I would be served with a paper compelling my appearance. So I came down voluntarily.

I was told at that time—I said, "I have absolutely nothing that would be of any value in this particular case, as you fellows know."

They said, "There is no harm in coming down and talking to the bosses."

I said, "I have talked to the boys before and there is absolutely nothing left to be said to the boys or anybody else."

I came down here. As soon as I got down here, as soon as my attitude was found to be that I had nothing to say and I didn't intend to cooperate—I suppose that would be the word to use—I was served with a subpoena, which I signed for at the time and accepted the service of it.

Q. Since the time that you came down from Marysville, Mr. O'Neil, and didn't show the kind of

(Testimony of James D. O'Neil.)

cooperation that Mr. Del Guerico wanted, have you lost your job at Marysville? A. I have.

Q. Tell us about how your job was lost? [2390]

A. I was informed by phone, the day after I failed to appear, by the manager of the station, that he was sending my check down and didn't care to have in their employ a man who had been associated with Bridges.

Q. Now, at the time that you were at the office of the FBI on Tuesday, of last week—withdraw that.

First of all, let me ask you this question: At the time that you were there at 111 Sutter Street, on Tuesday of last week, and after the discussion, did I understand that you and Major Schofield then had a conversation between yourselves?

A. Yes. We were leaving the room, and I was going down the hall toward the door leading out from the office there. At the far end of the corridor there is a table and a chair—it might have been a desk and a chair—and Mr. Schofield called me back and said, "The main thing about it is that you are afraid about your job in Marysville, aren't you?"

I said "I don't know. I imagine it is not going to do me any particular good, all this."

He said, "Never mind, we have ways of taking care of that. That can be fixed up. You don't have to worry about that."

It was the following day that it was fixed up, as I have testified.

(Testimony of James D. O'Neil.)

Q. Isn't it a fact, Mr. O'Neil, that the reason you told the FBI you didn't want to testify in the case was because [2391] you felt that you had nothing to add to the Government's case in this case, but that the mere appearance of yourself as a witness against Bridges would be played up in the press in such a manner as to blacken your name in the labor movement regardless of the fact that you had no information against him?

Mr. Del Guercio: I object to the question, your Honor, as being suggestive.

Mr. Gladstein: This is cross examination.

Mr. Del Guercio: It is putting words in the witness' mouth.

Presiding Inspector: I will take it. You may answer.

A. I testified this morning that I had been a member of labor unions since 1919, and I said then that I didn't want any part of this hearing; that I didn't want to be connected with it as a Government witness against Bridges; not that there was any fear on my part, because there wasn't and there isn't, but it doesn't do a man any good to get his name in the headlines, "So and so subpoenaed to appear against Harry Bridges," because many men in the labor union who don't read beyond the headlines would say, "Jim O'Neil has been called to testify against Harry Bridges," without knowing the true statement of the condition of affairs.

(Testimony of James D. O'Neil.)

By Mr. Gladstein:

Q. Would the answer to the question I asked you be "yes" [2392] then? A. Yes, sir.

Mr. Gladstein: We have no further questions, your Honor.

Redirect Examination

By Mr. Del Guercio:

Q. Mr. O'Neil, you testified here, in answer to counsel's questions, suggestions, rather, that you had been followed by agents of the FBI. How did you know that they were agents of the FBI?

A. Because I was thoroughly satisfied that they were, because a man stepped out of the car and came up to serve that paper, and later on I saw that same car out in front.

Q. You are as sure of that as you are of some of the other statements you have made?

Mr. Gladstein: Don't answer that question.

Presiding Inspector: I don't think that is proper.

Mr. Del Guercio: I will withdraw the question.

By Mr. Del Guercio:

Q. Did they tell you they were agents of the FBI?

A. They came in and officially served the papers on me.

Q. Did they tell you they were agents of the FBI?

A. I don't recall that they did, but it was on official business of this hearing.

Q. Do you see them in court here? [2393]

(Testimony of James D. O'Neil.)

A. No, I don't recall that I do. There are a good many agents who talked to me that are not in court.

Q. As a matter of fact, Mr. O'Neil, wasn't it the U. S. Marshal that appeared at your home to serve the subpoena on you?

A. Some official, but I couldn't say who it was.

Q. And didn't you, or your wife, and in your presence, ask to see his credentials?

A. I believe she did.

Q. What did your wife see, did she tell you?

A. No, I don't believe—I was in bed at the time.

Q. But your wife, did she see the credentials of the person that served the subpoena on you?

A. I don't know that she did.

Q. Why didn't you ask to see them yourself?

A. Because I was in bed at the time the paper was served on me.

Q. Were you awake?

A. I was awakened by the arrival of the man.

Q. You were awake when the Marshal appeared?

A. Yes; that was the noise of getting in the house that awakened me.

Q. You didn't ask for his credentials, to see his papers?

A. I don't believe I did; no.

Q. Now, what is the name of the manager of the station [2394] where you were employed at Marysville?

A. Walter Conway.

Q. When did he tell you that you had lost your job?

(Testimony of James D. O'Neil.)

A. He phoned me—I believe the call was made either Wednesday or Thursday.

Q. Wednesday or Thursday. It wasn't the day following the interview at the FBI office on Tuesday night, was it?

A. It could have been—but I couldn't be sure whether it was Wednesday or Thursday; one of those two days.

Q. What time of the day were you called?

A. I believe the call came in around close to noon.

Q. That you were called at your home?

A. Yes.

Q. Did you report for duty there at that station Wednesday morning?

A. No. I was down here Wednesday morning.

Q. Why didn't you report for work Wednesday morning?

A. Because I had been down here talking to you gentlemen.

Q. Well, you were under subpoena to come here to appear here in court and you didn't appear, isn't that a fact?

Mr. Gladstein: That is not a correct statement in accordance with the record. The first subpoena that I saw didn't tell him to come into court at all. It said to go to 111 Sutter Street.

Presiding Inspector: Subpoena to come somewhere. [2395]

Mr. Gladstein: That is a little different, but that is misleading the witness.

(Testimony of James D. O'Neil.)

Presiding Inspector: We will make it that way.

By Mr. Del Guercio:

Q. Where did you go Wednesday morning?

A. I went home.

Q. And you stayed there all day?

A. I believe I did; yes, sir.

Q. You didn't go anywhere?

A. No; I don't recall that I did.

Q. In any event, you didn't go back to Marysville to report to work? A. No.

Q. Did you call up your boss?

A. I called him back, after the first time, to tell him that if that was the situation I wanted my belongings sent down to me; they haven't arrived yet.

Q. Have you been at the FBI offices, or any other Governmental office, since Tuesday night of last week, to the time you were taken in custody by the U. S. Marshal?

A. No; because there have been agents at the house.

Q. Now, what did the manager there of the station tell you over the telephone?

A. I have already testified to what he said.

Q. Will you report it again?

A. Yes. He said, "I am sending your check down, Jim. [2396] I am sorry. Mr. Thomas said"—Mr. Thomas is the man who owns the station—"that he didn't want to have in his employ a man who has been associated with Bridges."

Q. Did he say anything else?

A. No; that is all.

(Testimony of James D. O'Neil.)

Q: Did he say that any Government officer had been down to see him?

A. No, I don't recall that he did.

Q. You don't recall? A. No.

Q. Well, I will give you a little time to think about it now.

A. No, I believe I told you the complete conversation.

Q. Well, would you say that he told you that some Government agent had been down to see him?

A. No.

Q. What? A. No.

Q. Mr. Bridges, was any mention made of CIO meetings—

A. (Interposing) I think you have me mixed with the defendant. My name is O'Neil.

Q. I beg your pardon, Mr. O'Neil. My mistake—it wasn't intentional, but a slip.

At the time you were interviewed at the office of the Federal Bureau of Investigation on Sutter Street on Tuesday [2397] night of last week, did you make any mention of any CIO meetings of any kind, or were you asked any questions concerning any CIO meetings?

A. No, I don't believe I was. My attitude during the entire meeting was that I was completely through with the matter.

Q. Were you asked anything about meetings of the Non-Partisan League?

A. I don't believe I was, no.

Mr. Del Guercio: That is all.

(Testimony of James D. O'Neil.)

Mr. Gladstein: One more question.

Recross Examination

By Mr. Gladstein:

Q. You mentioned in your cross examination, Mr. O'Neil, that you had during your two years or so association with the labor movement attended many meetings of Labor's Non-Partisan League, the Maritime Federation of the Pacific and, I think you mentioned, some other trade union organizations. During the course of the various interviews that you had with the FBI agents did you tell them about the fact that you had attended meetings of this trade union character?

A. Oh, yes, yes.

Q. How did that come up?

A. Well, I mentioned, for instance, when I told that I had been seen at meetings at which Bridges and Smith and Mervin Rathborne and other such men had attended, which were [2398] Communist meetings, I said that I had been in many such meetings but they might have been at labor's Non-Partisan League, of the Maritime Federation or of any one of a number of labor meetings which I would be naturally required to attend since I was writing up pamphlets for them and handling the publicity of those unions.

Mr. Gladstein: That is all.

Mr. Del Guercio: That is all.

May the witness be told that we may still require his presence here?

(Testimony of James D. O'Neil.)

Presiding Inspector: How long do you want him to stay?

Mr. Del Guercio: Until tomorrow morning.

Presiding Inspector: Very well.

(Witness excused.)

Presiding Inspector: Next witness.

Mr. Gladstein: Does that mean the witness stays in court?

Mr. Del Guercio: Have you any objection?

Mr. Gladstein: Not at all.

Mr. Del Guercio: The next witness is coming up, your Honor.

GERTRUDE SEGERSTROM

called as a witness on behalf of the Government, having been first duly sworn, testified as follows:

Presiding Inspector: Give your name to the reporter.

The Witness: Gertrude Segerstrom—S-e-g-e-r-s-t-r-o-m, [2399]

Presiding Inspector: You will have to speak louder.

The Reporter: Gertrude Segerstrom,—S-e-g-e-r-s-t-r-o-m

Direct Examination

By Mr. Del Guercio:

Q. And by whom are you employed, Mrs. Segerstrom?

A. By the Federal Bureau of Investigation.

(Testimony of Gertrude Segerstrom.)

Q. In what capacity?

A. As a stenographer.

Q. And for how long a period have you been so employed?

A. For four years.

Q. Were you so employed on the day of October 7, 1940?

A. Yes, I was.

Q. Were you present on that date at the office of the Federal Bureau of Investigation at 111 Sutter Street?

A. Yes; I was.

Q. At the time a James O'Neil, Agents Smith and Cassidy were present?

A. Yes.

Q. And what time of the day was that, Mrs. Segerstrom?

A. It was in the evening between nine and ten o'clock.

Q. And who called you into the office?

A. As I remember, it was Mr. Cassidy.

Q. Mr. Cassidy. And did he ask you to do anything?

A. He told me that Mr. O'Neil was in there and that they would like me to take down what he had to say. [2400]

Q. And did you take down what Mr. O'Neil had to say?

A. Yes, I did.

Q. In longhand or in shorthand?

A. In shorthand.

Q. Now, did you take down—I will ask you this question. Strike it out, please. Did Mr. O'Neil dictate to you a statement at that time?

A. Yes, he did.

(Testimony of Gertrude Segerstrom.)

Q. Do you have your original notes of that statement that Mr. O'Neil dictated to you?

A. Yes.

Q. Are these the original notes?

A. Yes, they are.

Q. And they were taken at that time in the office of the Federal Bureau of Investigation?

A. That's right.

Q. On October 7, 1940? A. Yes.

Q. And they were taken down when Mr. O'Neil was speaking? A. Yes.

Q. Will you read them, please? A. Yes.

"I first met Dave Craig in the city of San Bernardino in the summer of 1936."

Q. (Interposing) Will you speak a little louder, [2401] please, we can't hear you?

A. "I first met Dave Craig in the City of San Bernardino in the summer of 1936. He had just been appointed Director of the Federal Writers' Project for San Bernardino, Riverside and Imperial Counties. I was anxious to obtain a position on the Project and he was the man I had to see. I was appointed to the Federal Writers' Project and became Assistant Director under Craig, who, incidentally, was in ill health and seldom able to appear at the office. I kept this position for several months. I then left to take a publicity job at the Riverside County Democratic Central Committee. While I was on this job Craig returned to San Francisco and the Federal Writers' Project was closed. Approximately six days after the 1936 No-

(Testimony of Gertrude Segerstrom.)

vember, presidential election I came to San Francisco, having previously made arrangements by letter with Craig to stay at his home and pay room and board.

"As soon as I came to 2048 Ellis Street in San Francisco Craig frankly told me he was a member of the Communist Party and I at one time or another became acquainted with practically everybody of consequence in that Party, meeting most of them at his home, including Bill Schneidermann, California Secretary of the Party, his wife, Rose, Walter Lambert, head of the waterfront section of the Party; one Ross, editor of the Western Worker, the entire staff of the Worker, 'Pop' Hanoff, Minne Carson, Oleta O'Connor, Frank Spector, Mike Quinn, Henry Schmidt, John Shoemaker, Germain Bulcke, and others. [2402]

"I joined the Communist Party in either the latter part of November or the first part of December, 1936 under the name of 'Ben Harrison'. My purpose in joining the Party was an assurance that I would have employment, which I immediately obtained on the S. S. Polarine. This job was obtained through the Craigs and through Ross of the Western Worker, who at that time was posing as the husband of Oleta O'Connor. Oleta O'Connor's sister is Gloria Lee, now secretary to the secretary of the San Francisco Industrial Union Council. At that time she was secretary of the Fish Reduction Workers Union, San Francisco Local. Through her

(Testimony of Gertrude Segerstrom.)

I obtained a position on the Polarine, which was a fish reduction boat.

"I was on that ship about a month, and when I came ashore I was informed there was an opening as editor of the Voice of the Federation. I went to the Voice of the Federation office and was informed that even at that moment the Maritime Federation Executive Board was meeting at 24 California Street to pick an editor. I went down there, introduced myself to Scotty Kelly, who was Secretary of the Maritime Federation of the Pacific, showed him my Guild card, as I had joined the Newspaper Guild in San Francisco before going to sea, and then I asked him to permit me to use the typewriter in the office to write up my qualifications and background. I dashed them off and gave them to Kelly and that afternoon was interviewed along with several other applicants and told [2403] to return the next afternoon, as the Newspaper Guild had two candidates it believed especially qualified for the job. I was one of them * * *"

Correction: "I was not one of them. The following day which was the day before New Year's, 1937, the full Executive Board of the Maritime Federation narrowed the applicants down to three. One represented the Lundeborg faction, one the Bridges' faction, and the third one was myself. Presumably on the theory that to appoint either of the two men of the Bridges' or Lundeborg faction would merely start the old fight over again, the Board voted 6 to 2 to put in the stranger, myself.

(Testimony of Gertrude Segerstrom.)

"That night I was invited to attend a New Year's Eve party at 121 Haight Street by Craig, at whose home I was living, and while there I was introduced to 'Pop' Hanoff, Frank Spector, Amy Schechter. Both Miss Schechter and Frank Spector expressed amazement that I was the new editor of the Voice and they hurriedly sent for 'Pop' Hanoff and demanded to know what I was doing there. A long argument ensued, and I insisted on having dinner there, and then at the request of practically the entire San Francisco Communist Party I withdrew. They felt very strongly that the editor of the Voice of the Federation should not be seen at Communist Party headquarters.

"On the Voice of the Federation I succeeded Henry Schrimpf, who as trustee of the Maritime Federation had been [2404] operating the paper in between the interim of Barney Mayes and my own appointment. I remained editor of the Voice of the Federation for approximately six months.

"On New Year's Day following my appearance at the Communist Party headquarters I drove into the driveway at 2048 Ellis Street and was met by Mrs. Craig, who informed me that a very important person was waiting to see me in the house. I went inside and in the kitchen I immediately recognized from his pictures Harry Bridges, who was accompanied by Joe Ring. This was on January 1, 1937. Bridges outlined his views as to how the Voice of the Federation should be conducted, detailed at great length his troubles with the previous editor.

(Testimony of Gertrude Segerstrom.)

Barney Mayes, asserting that due to Mayes' action the longshoremen would be compelled to accept much less than they had originally demanded in the 1936-'37 strike, and that Mayes' editorship was entirely unsuitable for the Voice. I assured Bridges that it was my intention to run the paper with the columns open to everybody affiliated with the Maritime Federation. In all fairness to Bridges, he never asked any more than that during my editorship, and I found by going over back issues of the Voice that the columns of the Voice had been closed to Bridges and the longshoremen during the previous editorship. By running news from the Longshoremen's Union and accepting letters from Harry Bridges, which I ran in the 'Letters to the [2405] Editor' column, I earned the lasting enmity of Harry Lundeberg, Secretary-Treasurer of the Sailors' Union of the Pacific, and at the end of six months Lundeberg at the Portland Convention of the Maritime Federation in June, 1937 succeeded in having me removed as editor. No charges were ever filed against me. I was simply removed by vote of the convention.

"After an interval of two weeks I was named publicity director for the western region of the Committee of Industrial Organization. I held that position for more than a year, handling all the publicity for the western states for the CIO, writing the daily radio broadcast and giving it myself six days a week, answering practically all of Bridges' mail, both personal, requests to speak, requests for

(Testimony of Gertrude Segerstrom.)

articles, wrote magazine articles for him; generally ghosted for him. I was paid out of Washington by check.

"I left the CIO to go to work for Radio Station KYA, where I was in charge of news broadcasting for eight or nine months. During this time I also handled a CIO broadcast. I wrote and delivered the broadcasts myself, obtaining my material from the CIO headquarters and the headquarters of unions affiliated with the CIO which might be involved in disputes of various kinds requiring the labor interpretation in the broadcast. On numerous occasions Harry Bridges would call me and tell me what he wanted emphasized.

"I left KYA and after an interval of possibly eight or ten weeks I went to work as news broadcaster for Radio Stations KJBS and KQW in San Francisco, where I am still employed. [2406]

"At this point I would go back to my first meeting with Bridges at the Craig home. Present at that meeting were Mr. and Mrs. Craig, Bridges, Joe Ring and myself. At that time I was introduced by Craig to Bridges with these words, 'Comrade Bridges, meet Comrade O'Neil.' Naturally, I assumed from this that Bridges was also a member of the Communist Party.

"On another occasion I walked into Bridges' office, it always being my privilege to do so after first having assured myself that he was alone, and there on his desk was a new Party book, which had just been issued and into which Bridges was

(Testimony of Gertrude Segerstrom.)

putting assessment stamps. This was about two o'clock in the afternoon in Bridges' office in the Balboa Building, 593 Market Street, Room 509, in 1937. I expressed amazement that he was doing this openly with the book in plain view on top of his desk. However, he nonchalantly continued to put the stamps in place and then returned the book to his pocket. I knew this was a Communist Party book because I had one myself and it was just like it. It was the general practice to pay your dues to the Communist Party dues collector and, in return, to receive stamps which he tore off from a bloc and which you inserted in your book at your leisure. There is no doubt in my mind but what that was Bridges' membership book in the Communist Party.

"I came in to Bridges one morning and outlined to [2407] him that I was unable any longer to tolerate the mental gymnastics of the Guild fraction, and he recommended that I transfer into the waterfront section, which I did through Walter Lambert. The transfer was arranged through Connie's Restaurant, one block from the Golden Gate Theater. I told Bridges at the time of the transfer that after having been the 'man on the flying trapeze' in the Guild I would rather go someplace where there was a net under me. As I remember, I called Lambert that morning from my own office, and it was arranged through him.

"On several occasions Bridges reminded me that I had not been attending Party meetings and asked

(Testimony of Gertrude Segerstrom.)

me, 'What's the score?' I think I told him it was nothing to nothing in the last of the 9th as far as I was concerned and as far as the Party was concerned, and he advised me to take it easy and not let my own feelings obscure my judgment.

"It is my belief that Bridges never at any time attended any Communist Party meetings. He might have met with one or two of the trusted and highest officials of the Party, as that would be all that would be necessary to conduct any business he had with them.

"Bridges never stated to me that he was a member of the Communist Party. It was always tacitly understood and assumed that such was the case. On frequent occasions Bill Schneidermann took exception to my publicity work, to the type of pamphlets [2408] I was issuing, to the tenor of editorials that might be appearing in the Labor Herald or in the Voice of the Federation in my editorship. Schneidermann very early in the game learned that the way to stop me was to go to Bridges, and I can't now recall any time when Bridges sustained Schneidermann in his complaints. This dispute about the type of publicity which I was issuing came to a climax when Bill Schneidermann, Revels Cayton of the Marine Cooks and Stewards, Lou Goldblatt, Bridges, assistant, and Bridges gathered in Bridges' office in the Balboa Building. Schneidermann demanded that more pressure be brought to bear on the S.U.P. We had spent several thousand dollars in pamphlets and publicity broadsides urging

(Testimony of Gertrude Segerstrom.)

them to cooperate with the CIO. I was flatly against any more such expenditure. Bridges sent for me at that time and when I walked in the door he was telling Schneidermann he thought that I had every right to be in such a meeting because it was my own work that was under fire. He then turned to me and asked me for my opinion as to any publicity aimed at the S.U.P. I told him that it would be good money gone after bad. I believe I told Harry Bridges at that time that the only thing that would bring in any sense into the S.U.P. would be a pickax, whereas Bridges said, 'I agree with you,' whereupon Schneidermann jumped to his feet and said [2409] 'There you are! That's the very thing I have been talking about! Is that the Party line? Is that what we are supposed to do?' I told Schneidermann it probably wasn't the Party line because it made good sense. Bridges backed me up in this, whereupon Schneidermann said that I was a bad influence in the CIO and should be removed and that Bridges was listening to me too much.

"Everybody in the employ of the CIO and the unions with their headquarters in the Balboa Building, with one exception, were members of the Communist Party. This I know because I attended meetings with them, paid dues at the same time they did. There was no secret, no bones made about it at all. The one exception was Herman Stuyvelaar. When a vacancy occurred in the personnel of the CIO headquarters that vacancy was invariably, with-

(Testimony of Gertrude Segerstrom.)

out exception to my knowledge while I was there, supplied after consultation with Schneidermann from the Communist Party headquarters.

"During the 1937 Maritime Federation of the Pacific Convention in Portland, Oregon a hole was bored in the wall of Bridges' room adjoining the telephone bell box which was level with a molding in the Multnomah Hotel. After his return to San Francisco from the Portland convention we discussed the planting of the microphone in his room, and he told me that it had been in operation for a day and a half at least before his [2410] attention was called to the plaster on the floor and the microphone outlet was discovered. I remarked at that time that he was lucky to have discovered it and he replied, 'Yes, not so lucky. Those guys have been listening in for a day and a half before we discovered it.' He then stated that letters from Moscow, another obvious red scare, had been openly read and discussed in the room so as to clutter up the record in the next room. Bridges said that fraction meetings had been conducted in the room during the time that the microphone was hooked up. By this he meant top fraction meetings of the Communist Party. When the microphone was discovered the letters from Moscow heretofore referred to were merely figments of the imagination and were read so they would be copied on the record in the next room just to make it appear so completely ridiculous that it would be of no value to those who were tapping the meeting."

(Testimony of Gertrude Segerstrom.)

Q. Now, Mrs. Segerstrom, did you read the statement that you have read back to James O'Neil?

A. Yes, I did.

Q. And did he indicate to you any corrections that should be made?

A. He made a couple of corrections.

Q. What were those corrections?

A. Well, on the first page the first time he said "William Lambert" when I read it back he said that should be "Walter Lambert". [2411]

Q. Any other corrections?

A. Then when he first dictated, right after that he said that where he said that he had become acquainted with practically everybody in consequence at that party, meaning most of them, at his home including Bill Schneidermann and so forth, he included Henry Schrimpf's name at the end. When I went back and read it to him he told me to "cut that out".

Q. Any other corrections that James O'Neil suggested?

A. Well, I had the name of Barney Mayes wrong the first time. I thought he said "Bonnie" and when I read it back he corrected it to "Barney Mayes".

Q. Now, Mrs. Segerstrom, —

Presiding Inspector: Let me see. There may be some others.

The Witness: Well, I have another correction here. Where he said "naturally, I assumed from

(Testimony of Gertrude Segerstrom.)

this that Bridges was also a member of the Communist Party", the first time he said "naturally I assumed from this that I was meeting another member," and I asked him to clarify that for my own, at that time, right then, not when I read it back, that for the first time he said that "Bridges was also a member of the Communist Party". I believe that's all the corrections there are on here.

[2412]

Q. Now, are the notes that you have just read the statements of any person other than James O'Neil?

A. No, they are not.

Mr. Del Guercio: That is all. You may cross examine.

Presiding Inspector: Had there been questions asked him in your presence before this?

The Witness: Occasionally, as he was dictating this to me, he turned to Mr. Cassidy and Mr. Smith and made a few remarks in explanation. He may have asked a few questions then, but I was taking down merely what he said as he was dictating to me.

Presiding Inspector: Where have you kept those notes?

The Witness: These notes have been in the files of Federal Bureau of Investigation.

Presiding Inspector: They were in a book?

The Witness: In an envelope.

Presiding Inspector: They have been in your control?

(Testimony of Gertrude Segerstrom.)

The Witness: No, they haven't. I signed them on the bottom before.

Presiding Inspector: You recognize the whole statement as in your stenographic—I don't know what you call it?

The Witness: Yes.

By Mr. Del Guercio:

Q. Is there a statement made by yourself appearing at the end of those notes? [341²]

A. Yes. I endorsed them when I took them.

Q. Will you read the statement?

A. (Reading) "San Francisco, California, October 7, 1940. These are my notes taken in room 901, 111 Sutter Street from 8:55 P. M. to 10:05 P. M. on October 7, 1940. The contents were dictated by James D. O'Neil in my presence and in the presence of Special Agents M. J. Cassidy and H. A. Smith, of the FBI."

Signed by me.

Mr. Del Guercio: That is all.

Cross Examination

By Mr. Grossman:

Q. Are you married? A. Yes, I am.

Q. What is your husband's name, please?

A. William T. Segerstrom.

Q. Is he employed? A. Yes, he is.

Q. Where is he employed?

A. In Los Angeles.

Q. What kind of work does he do?

A. He is in the paper business.

(Testimony of Gertrude Segerstrom.)

Q. You mean he owns the business?

Mr. Del Guercio: I object to this as immaterial.

Presiding Inspector: I will allow it. [3414]

A. No. He is Sales Manager for the Brown Paper Goods.

By Mr. Grossman:

Q. How long has he held that position?

A. He has been with them since the first of March.

Q. Before that what did he do?

A. Before that he was a salesman for a merchandise brokerage concern in Seattle.

Q. How do you spell your last name, please?

A. S-e-g-e-r-s-t-r-o-m.

Q. "n" or "m"? A. "m".

Q. Is that your married name? A. Yes.

Q. How long have you been employed by the FBI? A. Four years.

Q. And where have you worked?

A. In Seattle, mostly.

Q. When did you come down to San Francisco?

A. I came down here on a special assignment on this case.

Q. When?

A. I was down here last fall and I came down against here last month.

Q. When was the first time you came down to San Francisco? A. Last September.

Q. How long were you here then? [2415]

A. Until the 10th of December.

(Testimony of Gertrude Segerstrom.)

Q. What kind of work did you do during that time? A. Stenographic.

Q. Can you be more specific about the kind of work you did?

Mr. Del Guercio: If your Honor please, I submit that is none—I was going to say it was none of counsel's business, but I won't say it in those terms. It is not pertinent to the inquiry at hand.

Presiding Inspector: If she can tell in a general way what her work is I will allow it. I suppose that includes taking notes and transcribing them, doesn't it?

The Witness: It does.

Mr. Del Guercio: I didn't understand counsel was trying to qualify her as an expert in shorthand.

Presiding Inspector: I suppose he wants to know what kind of work she did.

By Mr. Grossman:

Q. Have you been taking letters and writing them up? A. Yes.

Q. During that period of time when you were in San Francisco? A. Yes.

Q. Have you been taking statements from witnesses or possible witnesses? [2416]

A. Yes.

Q. You said you came down to San Francisco on a special assignment. Can you tell me what that special assignment was?

Mr. Del Guercio: I object to that question.

Presiding Inspector: I will take it.

(Testimony of Gertrude Segerstrom.)

A. It was in connection with the Bridges investigation.

By Mr. Grossman:

Q. Has all the work you did in San Francisco been connected with the Bridges case so far as you know? A. Most of it; yes.

Q. Since you came down for the second time?

A. When was it?

Q. When you came down for the second time, that is recently—

A. (Interposing) As far as I know they didn't tell me when they sent for me.

Q. When they sent for you—when did they send for you?

A. I came down here, I believe it was the 20th of March.

Q. Were you told what you were sent for?

A. No.

Q. What have you been doing since you came down here in March?

A. I have been doing— [2417]

Mr. Del Guercio: (Interposing) I will object to that.

Presiding Inspector: I will take it. This is an examination as to credibility. I think I will allow it. This is rather a crucial matter. I think—I understand it to be so.

A. I have been doing stenographic work.

By Mr. Grossman:

Q. Taking statements?

(Testimony of Gertrude Segerstrom.)

Q. I don't believe I have taken any statements since I have been down here this time.

Q. Since you have been working on the Bridges case statements of how many different people have been taken by you?

A. I couldn't tell you definitely.

Presiding Inspector: Both times?

Mr. Grossman: Yes.

Presiding Inspector: I am a little in doubt and I thought she might be too.

A. I took several when I was here before. I don't remember how many exactly.

By Mr. Grossman:

Q. Have you taken statements from any persons except Mr. O'Neil?

A. Yes. I don't know as I could give their names.

Q. I didn't ask for the names.

How long have you been a stenographer? [2418]

A. About ten years.

Q. What is your speed at taking shorthand accurately?

A. Up to about 200 words a minute.

Q. Accurately? A. Accurately.

Q. What are your regular working hours—what were they in October of last year?

A. My regular working hours?

Q. Yes. A. 9:00 to 5:00.

Q. On the evening when you took this statement from Mr. O'Neil how did you happen to be in the office at the time the statement was taken?

(Testimony of Gertrude Segerstrom.)

A. Because I was there practically every night all the time I was down there last last fall.

Q. Did you come down naturally each night without being told, or were you instructed to be there?

A. I was not instructed just to be there. We came down because there was work to be done.

Q. On the night that we are concerned with when you say you took this statement from Mr. O'Neil, were you in the office because you had been instructed to be there? A. No.

Q. Were there any other girls working in the office, any other stenographers at the time you were asked to come into [2419] the room to take this statement? A. Yes.

Q. How many others?

A. Well, there were two other girls and about four boys.

Q. Did you see Mr. O'Neil come into the office that night?

A. I don't remember seeing him; no.

Q. At what time were you asked to come into the office to take this statement?

A. It was about nine o'clock.

Q. How do you fix the time?

A. Because I wrote on the end of my notes it was from 8:55 to 10:05 P. M.

Q. And you remember that you went into the office immediately after you were asked to come in? A. Yes.

Q. Who asked you to come into the office?

(Testimony of Gertrude Segerstrom)

A. As far as I remember it was Mr. Cassidy.

Q. Exactly what did he say, if you remember, when he asked you to come in?

A. He told me that Mr. O'Neil was in there and that they would like to have me taken down his statement.

Q. Did he tell what form the statement would be in?

A. No, he did not.

Q. Then you stepped right into the office, did you? [2420]

A. I went right in; yes.

Q. When you got in there what were you told?

A. I was introduced to Mr. O'Neil, and then Mr. Cassidy told me that Mr. O'Neil would give me a statement in his own words and that I was to take down what he told me.

Q. Did you have a seat?

A. Yes.

Q. Where were you sitting?

A. I was directly, sitting directly across the desk from Mr. O'Neil.

Q. Which side of the desk—would you be on the side where the person at that desk normally sits?

A. No. Mr. O'Neil was sitting there and I was sitting as if sitting across the table from you.

Q. Did Mr. O'Neil sit in the seat that is occupied generally by the man who occupies that desk?

A. Yes.

Q. Were there any preliminaries before Mr. O'Neil started making his statement?

A. Not that I remember. Mr. Cassidy told him I was there to take the statement; that he should

(Testimony of Gertrude Segerstrom.)

tell in his own words what his story was and that I would take down what he said.

Q. During the time that he gave that statement was he asked any questions? [2421]

A. Occasionally, as he was dictating, he would turn to Mr. Smith and Mr. Cassidy and perhaps make some explanation of what he had said.

Q. I asked whether he was asked any questions.

A. And perhaps, as he did that, they may have asked him a few questions. However, he then would turn to me and give me his version of, that is, a shorter version of what he had just said.

Q. How did you happen to leave out everything but what Mr. O'Neil said?

A. Because I was taking it directly from him and I took only when he was talking directly to me.

Q. Is that the only reason you left out the other conversation?

A. Yes, it is.

Q. You weren't instructed to leave out the other conversation?

A. I was not.

Q. Is it a practice in your office ever to take down other conversation except that of the person who is making a statement?

A. That depends on whether the person is making a narrative statement like this, or whether he is making a question and answer statement.

Q. Did anyone tell you that this was going to be a narrative statement as against a question and answer statement? [2422]

A. Yes.

Q. Who told you that?

A. Mr. Cassidy.

Q. When did he tell you that?

(Testimony of Gertrude Segerstrom.)

A. When I came in there.

Q. You mean after or before you got in?

A. Probably after I got in.

Presiding Inspector: Now, do you want to explain that in any way?

The Witness: What I mean was he said that Mr. O'Neil would dictate his own statement and that I was to take it down as he said it.

Presiding Inspector: You have already said that.

The Witness: Yes.

By Mr. Grossman:

Q. Where did you get the notebook in which you took this down?

A. It is standard equipment in the field office.

Q. Was it a new notebook?

A. Yes, it was.

Q. When were these pages torn out?

A. Immediately after I took the statement I tore them out myself.

Q. Did you staple them together?

A. No. I put a paper clip on them, as you see.

Q. Did you sign them at that time? [2423]

A. Yes, I did.

Q. After you took the statement what did you do with it?

A. I put it in with the rest of my work and then I transcribed it the following morning.

Q. How many copies did you make?

A. I don't remember; probably ten or twelve.

(Testimony of Gertrude Segerstrom.)

Q. Are you guessing, or do you have a hazy recollection?

A. The standard practice at that time was to make, I believe, it was 12 copies of everything.

Presiding Inspector: He asked you a question, whether you were guessing.

The Witness: No, I am not guessing.

By Mr. Grossman:

Q. Do you recall how many copies you made?

A. It was either 10 or 12; probably 12.

Q. Then what did you do with your notes?

A. I put them in a manila envelope and handed them to the chief clerk to put them in the file.

Q. What did you do with the copies?

A. With the copy of the statement?

Q. With the ten or twelve copies?

A. They were put in a regular report.

Q. To whom did they go? A. The reports?

Q. To whom did you give them? [2424]

A. Well, they were placed with the rest of the material that was later assembled into a report.

Q. Did you give them to anyone?

A. Well, I don't remember who I gave them to. I may have given them to Mr. Cassidy or I may have given them to the chief clerk—I don't know.

Q. Did Mr. O'Neil talk too fast for you to take it down accurately? A. No.

Q. Did you have any trouble at all that you can remember? A. Not that I remember. [2425]

(Testimony of Gertrude Segerstrom.)

Q. Did you make a draft first before you did your final copy, before you typed it out?

A. No, I didn't.

Q. Is it your testimony that you took down verbatim in your book every word that Mr. O'Neil said when he was talking to you? A. Yes.

Q. Did you put a title on the statement in your book?

A. On this? All I have at the top is "James D. O'Neil" and the date.

Presiding Inspector: What typewriting, stenographic system do you use?

The Witness: Gregg.

By Mr. Grossman:

Q. After you finished taking this statement did you read it over to Mr. O'Neil?

A. Yes, I did.

Q. Did you make any other corrections except those that you have indicated?

A. Not unless I missed some of them when I went through here.

(Examining notes). No.

Q. Your answer is "No other corrections".

A. No other corrections.

Q. How long did it take you to write down everything you have there in your notes? [2426]

A. Well, I have at the end here, it took between 8:55 and 10:05. That is an hour and ten minutes.

Q. Would that be the taking down alone?

A. Yes; from the time I started until I ended.

Q. I beg your pardon.

(Testimony of Gertrude Segerstrom.)

A. That would be the time it took for him to dictate the statement.

Q. Wou'd that include the reading back time?

A. It might and it might not. I don't remember exactly, but that wouldn't take so very long.

Q. What is your practice as to the time that you put on the end of your statement? Is it the time that you take to write it or is it the time that is taken in the interview?

A. I don't know as I ever put the time on the end of the statement.

Q. How did you happen to put the time on the end of this statement?

A. Because Mr. O'Neil indicated he would not be willing to testify, and so I testified to these notes, that they were mine and the length of time it took to take them.

Q. Is there something in the statement concerning Mr. O'Neil's unwillingness to testify?

A. No, there isn't.

Q. How do you know that he indicated that he would be unwilling to testify? [2427]

A. I heard him.

Q. You heard him what? A. Say so.

Q. When? A. Then.

Q. You mean during the time when you were taking those notes? A. When he was through.

Q. You mean after you had taken all these notes? A. Yes.

Q. Will you give the conversation please, in which Mr. O'Neil said that?

(Testimony of Gertrude Segerstrom.)

A. I don't remember exactly what he said. He said that that was a true statement of facts, but that he did not want to testify.

Q. And at that time you had not yet signed the statement, or had you?

A. I had not yet signed the statement, no.

Q. At that time had you put the time on the statement? A. Not that I remember.

Q. When did you put the time on the statement?

A. Immediately thereafter.

Q. You mean after O'Neil made that statement about not being willing to testify?

A. Uh-huh—(Affirmative). [2428]

Q. What is your answer, please? A. Yes.

Q. Did any FBI representative tell you that Mr. O'Neil did not wish to testify?

A. Not before then, as far as I know.

Q. At any time?

A. Perhaps afterwards. They may have said no.

Q. Please don't answer "perhaps", I only want your best recollection. A. I don't know.

Presiding Inspector: That is her best recollection. That is a mere manner of speech.

By Mr. Grossman:

Q. You do have some recollection of it?

A. I have some recollection that he may have.

Q. Please! I don't want your "may have". I want to know if you can recall.

Presiding Inspector: Well, if she can give it any more accurately. You are asking a very press-

(Testimony of Gertrude Segerstrom.)

ing question about a very immaterial point and you are trying to search her memory. Now, if she can't remember, very definitely she can say so.

Mr. Grossman: I recognize that, but the words indicate to me that she may have figured that out rather than recall it.

Presiding Inspector: Not to me. I think that that is an [2429] unnecessary conclusion.

Mr. Grossman: I think I have a right to be definite about it.

Presiding Inspector: I said you could be definite of it, but you can't press for recollection when there isn't any.

Mr. Grossman: I want to be sure there is.

By Mr. Grossman:

Q. Do you now have any recollection as to whether any representative of the FBI told you that O'Neil was not willing to testify?

A. Yes.

Q. When was that?

A. Well, it was after I took the statement.

Q. After you had left the room? A. Yes.

Q. After you had written down the time on the statement?

A. Yes. I wrote that down as soon as I came out of the room.

Q. Do you remember what time it was when you came out of the room?

A. It was right after ten o'clock.

Q. While you were in the room was Mr. O'Neil asked to sign the statement? [2430]

(Testimony of Gertrude Segerstrom.)

A. No, he—as I remember, he was not—

Presiding Inspector: (Interposing): You mean to sign the notes?

Mr. Grossman: Yes.

Presiding Inspector: The stenographic notes?

(Continuing): Not to sign my notes.

Presiding Inspector: Well, the statement wasn't written out then.

Mr. Grossman: I will separate it.

By Mr. Grossman:

Q. Do you recall Mr. O'Neil being asked to sign your notes? A. He was not asked to.

Q. Do you recall Mr. O'Neil being asked to sign the statement after it had been transcribed?

A. I don't. I don't know whether he was or not.

Q. May I see your notes, please?

A. Yes (Handing notes to counsel).

Q. Did you ask Mr. O'Neil to spell each name that he mentioned?

A. I did if I didn't already know how. You will find them written out—usually there where I wasn't sure of the spelling.

Q. Do you recognize the transcription you made from these notes, or would you recognize the transcription you made from these notes if you were shown it? [2431]

A. Yes, I would.

Mr. Grossman: I would like to ask leave of the Court to ask through the Court for Mr. Del Guercio to hand over that document which he was using,

(Testimony of Gertrude Segerstrom.)

which I think purports to be a transcription, so that I can ask this witness to identify it.

Mr. Del Guercio: It hasn't been offered in evidence and I refuse to give it to counsel.

Presiding Inspector: Did you offer it in evidence?

Mr. Del Guercio: I did not.

Mr. Grossman: It seems to me, your Honor, that we have a right to—

Presiding Inspector (Interposing): You have had it all translated to you. Do you want to compare with what he asked? Is that the idea?

Mr. Grossman: I want to ask this witness to identify—

Presiding Inspector (Interposing): I think you should be allowed to identify it.

Mr. Del Guercio: Not according to what was announced at the beginning of the trial.

Presiding Inspector: I think I will look at it myself. It may not have been transcribed by her. It may be a copy of it or what purports to be a copy of the copy.

Mr. Grossman: Your Honor, I have no objection if you ask the question because, if this is not her transcription, [2432] I am not interested in it.

Mr. Del Guercio: The Court may ask if it is.

Presiding Inspector: I think it would be useful, Mr. Del Guercio. But if you don't want to do it, why, there is no mark on this paper. What I wanted to look for, except the figure "2" in one place, and that has no significance.

(Testimony of Gertrude Segerstrom.)

Mr. Del Guercio: Well, may I approach the bench?

Presiding Inspector: Yes.

(Here followed informal conference between the Presiding Inspector and Mr. Del Guercio.)

Presiding Inspector: It wasn't material, I don't think, what was said there. He simply gave a reason which I didn't think was particularly valid.

Mr. Crossman: Am I to be permitted then to have that statement?

Presiding Inspector: I suggest that they introduce it in evidence.

Mr. Grossman: Well, of course, I would like to use it for my examination now.

Presiding Inspector: Yes, certainly. Give him a moment.

Mr. Grossman: Oh, I see.

Mr. Del Guercio: If the Court please, I have no objection to letting the witness see this and ask her if it is a true transcript of her statement. [2433]

Presiding Inspector: Very well. Do that.

Mr. Del Guercio: I will show you a copy of what purports to be a copy of the transcription.

Presiding Inspector: Let me ask her first.

Mr. Del Guercio: I thought the Court asked me to do it.

Presiding Inspector: Can you say whether or not that is your transcription?

The Witness: Yes, it is.

(Testimony of Gertrude Segerstrom.)

Presiding Inspector: Is that the original or a copy?

The Witness: This is a copy.

Presiding Inspector: Is that the first copy?

The Witness: No, it is not.

Presiding Inspector: It is a later copy. Then I think the counsel may see it.

Mr. Del Guercio: All right.

By Mr. Grossman:

Q: May I ask you how you have identified this?

A. How I have identified it?

Q. Yes.

A. I know that because I made that myself.

Q. What is there about that that distinguishes it from something that someone else might have done or did do?

A. Well, there is no mark on here except that I know that I typed it up like that and put that statement at the [2434] top. I did that.

Q. You mean there is something about the form that makes it possible for you to state definitely that you did that typing?

A. Yes.

Q. What is there about the form?

A. Well, the mere fact that I made this copy myself either yesterday or Saturday.

Q. You made this copy yourself either yesterday or Saturday?

A. Yes.

Q. Then this is not the transcription you made as soon as after taking down this statement?

A. No, this is not. However, it is verbatim, the same as the other.

(Testimony of Gertrude Segerstrom.)

Q. How do you identify this as the copy you made a few days ago?

A. Because I gave it to a member of our Bureau this morning myself and he brought it down here.

Q. You mean you identify this solely on the basis that this was handed to you by Mr. Del Guericio when you previously have handed it to a member of your Bureau? A. Yes.

Q. Is that the sole basis for your identification?

A. I could have initialed it this morning, I suppose, [2435] but I didn't.

Presiding Inspector: What difference does it make? You have had this read from the stenographic notes. You are going to have the stenographic notes and you can have some expert in stenography undoubtedly read them. I don't quite understand the point.

Mr. Grossman: I am interested in the statement that was typed out from the notes. Therefore, I can go to that statement from this, because this purports to be a copy of at least a part of it. I am not interested in this. I am interested in the original typewritten statement.

Presiding Inspector: I don't know why you are interested in that more than you are in the notes.

Mr. Grossman: We can come to that later, your Honor. I am sure we have the right to go into it.

Presiding Inspector: I don't say that you haven't, but I would say that it is a very immaterial point.

(Testimony of Gertrude Segerstrom.)

Mr. Grossman: I would rather not go into my theory at this time, your Honor. I think it is relevant enough so that I can ask the question.

By Mr. Grossman:

Q. Is this an exact copy of the typing up of your notes that you did as soon as after taking the statement from Mr. O'Neil?

Presiding Inspector: I think that is ambiguous. That, [2436] implies or may imply to the witness that she copied this from the other transcription.

Mr. Grossman: All right. I will correct that.

Presiding Inspector: What you mean is, Is this an accurate transcript of the notes, and was the other one an accurate transcription of the notes?

Mr. Grossman: Yes.

By Mr. Grossman:

Q. What is your testimony as to how the statement given by Mr. O'Neil was put into typewritten form?

A. How was it put into typewritten form?

Q. Yes. A. The first time?

Q. Yes. Did you do it? A. Yes, I did.

Q. How soon after the statement was taken did you do it? A. The next morning.

Q. Did you ever see any of the typewritten copies of the statement that you had typed up after the typing that you did? A. Yes.

Q. When was the next time after doing the typing that you saw any of those statements?

A. I have seen it in the file. [2437]

(Testimony of Gertrude Segerstrom.)

Q. You haven't examined it, though? It was incidental to your doing some other work?

A. Yes.

Q. And you actually carefully examined it, have you? Have you carefully examined any of these statements since the typing of them?

A. Yes, I have.

Q. For what purpose did you examine them?

A. I examined them to see that they were an accurate transcript of my notes.

Q. When did you do that for the first time?

A. It was either Saturday or Sunday, I have forgotten which.

Q. You mean last Saturday or Sunday?

A. Yes.

Q. Did you at any time before that compare the typewritten copy prepared from your notes with your notes?

A. Not since the first time I transcribed that, no.

Presiding Inspector: You mean by that what the stenographer usually calls "reading them back"? At least they do in the East.

The Witness: Well, I think I know what he means.

Mr. Del Guercio: If your Honor please, I make an offer at this time that counsel may read into the record from the transcript of this copy to compare with what the witness has [2438] already testified.

Presiding Inspector: Probably he doesn't want to do that.

(Testimony of Gertrude Segerstrom.)

Mr. Grossman: I am not interested in doing that at this time.

Presiding Inspector: Of course, they needn't accept the offer unless they wish it.

Mr. Del Guercio: If they don't, I would like the return of the document right now.

Mr. Crossman: You may have it when I finish examining.

Presiding Inspector: We will have it returned to you.

By Mr. Grossman:

Q. Is there any difference between the typewritten statement that I asked you to identify a few moments ago and the typewritten statements you prepared from your notes soon after taking the statement from Mr. O'Neil?

A. There is just one difference.

Q. What is that difference?

A. There is a word in there that when I typed that statement up the first time I misread "applicants" for "applications". However, it will make no material difference. I will read it back to you if you want me to. The place where O'Neil said down there at the "Voice of the Federation", "The following day which is the day before New Year's, 1937, the full Executive Board of the Maritime Federation narrowed [2439] the applicants down to three." The first time I transcribed that I read that "applications down to three". You see, there is no material difference.

(Testimony of Gertrude Segerstrom.)

Q. Did you compare this statement that you were asked to identify in typewritten form from your original notes from the first typewritten transcription that you had made?

A. I took the first transcription that I made and compared it word for word with my notes, and then I made a copy of that transcript, which is what you see, with the one change from "applications" to "applicants".

Q. Will you look at your statement, please, and see if you can tell me whether Mr. O'Neil spelled "Barney Mayes" for you when he gave you this statement?

Presiding Inspector: We have been over that once.

A. Yes, he did.

Presiding Inspector: She testified to that.

Mr. Grossman: I want to be sure on this.

Presiding Inspector: In answer to your question, I think. Maybe it was an answer.

Mr. Grossman: I know there was a correction on it, but I am not sure as to whether he did the spelling.

The Witness: Yes. I had "Bonnie". I thought he said "Bonnie" the first time; but he said "Barney", B-a-r-n-e-y "Mayes", M-a-y-e-s.

Q. And he did the spelling then of the name for you? [2440]

A. Yes.

Q. And you testified that he did the spelling when you were reading it back to him?

(Testimony of Gertrude Segerstrom.)

A. When I was reading it back I read it back wrong.

Q. Would you repeat again what was the correction that was made by him with respect to the name "Lambert"?

A. He said "William" the first time and when I read it back to him he corrected it to "Walter Lambert".

Q. Did he spell the last name for you at any time?

A. "Lambert"? No, he didn't. The only time he spelled them was when I wasn't sure of the spelling.

Q. Do your notes show what names were spelled for you by Mr. O'Neil? And will you read all of them from your notes where the names were spelled out by him for you?

A. He spelled "Germain Buleke" for me, G-e-r-m-a-i-n B-u-l-e-k-e; Amy Schechter, S-c-h-e-c-h-t-e-r; Barney Mayes. I remember his spelling both names because those were names that I was not familiar with. He may have spelled "Oleta O'Connor" for me, O-l-e-t-a. I am not sure of that.

Q. Were any of these names spelled for you by any of the FBI Agents?

A. I don't believe so; not as I remember.

Q. What was Mr. O'Neil's condition so far as being nervous or not nervous is concerned at the time you took the statement? [2441]

A. Well, as far as I could see he wasn't nervous. He apparently is naturally a fast talker.

(Testimony of Gertrude Segerstrom.)

Q. Is there anything about his appearance or his demeanor that seemed to you to be unusual?

A. No, there wasn't.

Q. Did he seem to be perfectly at ease when he was making the statement to you? A. Yes.

Q. Do you remember any time when any of the FBI men corrected the statement that Mr. O'Neil was making to you? A. No, I don't.

Q. When the statement was read back to do you remember any correction being made by any of the FBI men?

A. No. Mr. O'Neil made the corrections. I told you that before.

Q. Yes. But I am asking you whether you remember any of the FBI men making or suggesting any correction? A. No.

Q. When I say "suggesting" I mean suggesting to O'Neil or to you.

Mr. Del Guercio: If your Honor please, I think the witness understands and has answered it.

Presiding Inspector: I will take it. I think she has answered it.

Had you ever seen Mr. O'Neil before?

The Witness: No, I hadn't. [2442]

Presiding Inspector: Have you ever seen him since until today?

The Witness: No, I haven't.

By Mr. Grossman:

Q. Did you see Mr. O'Neil today?

A. No, I haven't.

Q. You said you did not? A. Today?

Q. Yes? A. No.

(Testimony of Gertrude Segerstrom.)

Q. Can you describe Mr. O'Neil to me?

A. Well,—

Mr. Del Guercio: If your Honor please, we could have Mr. O'Neil come in the Court room and have her identify him.

Mr. Grossman: May I suggest that I am conducting this examination?

Presiding Inspector: I know, but under my supervision. And if I think it is best to have him come here and have her identify him that way, I will do it. But I will let you ask the question first, if she can describe him.

By Mr. Grossman:

Q. Can you describe Mr. O'Neil for us?

A. He's a very stocky individual, ruddy face. He wore glasses, as I remember. I wouldn't want to guess exactly his age. I would say he was—

Presiding Inspector (Interposing): Don't be afraid about [2443] it. It is not a woman, you know.

A. (Continuing): He's somewhere between 40 and 50, but I wouldn't know exactly how old he is.

Q. I beg your pardon? Have you finished?

A. Yes. [2444]

Q. At the time you took the statement did he seem to be sober or intoxicated?

A. He was sober.

Q. You are sure of that? A. I am sure.

Q. Did he seem to have command of all of his faculties at the time you took the statement?

A. He did.

(Testimony of Gertrude Segerstrom.)

Presiding Inspector: Would you like to have him come in?

Mr. Grossman: Not particularly. I don't object to it. I am not asking for it.

Presiding Inspector: Yes, perhaps so. Tell him to come in.

Mr. Del Guercio: They tell me he has gone home. He will be back tomorrow morning, if the Court please.

Presiding Inspector: Yes. I don't think it is very material anyway.

By Mr. Grossman:

Q. Now, how did you happen to prepare this last transcription which you have identified for us?

A. I prepared it because I was asked to.

Q. By whom? A. By Mr. Cronin.

Q. What did Mr. Cronin ask you to do? [2445]

A. He asked me to make a copy of the statement that Mr. O'Neil had given to me last fall.

Q. Did he ask you to compare it with the type-written copy previously prepared?

A. Yes; he asked me to compare my notes with that former transcript I made to be sure it was an exact transcript, and I did.

Presiding Inspector: Is that all?

Mr. Grossman: No. I have a few more questions.

By Mr. Grossman:

Q. On how many different occasions have you re-read those notes after you prepared the first transcription?

(Testimony of Gertrude Segerstrom.)

A. I didn't re-read them until Saturday—I believe it was Saturday—when I checked with that other transcript I made.

Q. That was last Saturday or the week before?

A. No; it was last Saturday.

Mr. Grossman: May we have a recess? I understand we are past the time. We would like to discuss this witness and decide whether there are any further questions.

Presiding Inspector: Yes. Before we recess, I think that we should have the stenographic notes marked for identification.

Mr. Del Guercio: I am not offering them, if the Court please. [2446]

Mr. Grossman: Yes; let's have them marked for identification.

Presiding Inspector: I would like to have them both marked for identification.

Mr. Gladstein: This (indicating) should be marked for identification too.

Presiding Inspector: Both should be marked for identification.

We will take a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: I would like to have those both marked for identification. Do you object to marking them for identification?

Mr. Del Guercio: No, but I wanted to substitute photostatic copies for the notes.

Presiding Inspector: I would like to have the original marked.

(Testimony of Gertrude Segerstrom.)

Mr. Del Guercio: Did you say that Mr. O'Neil was to be available?

Presiding Inspector: I thought you said he would be available.

Mr. Del Guercio: I said afterward that he would be here.

Presiding Inspector: I don't think it is necessary for him to be here for identification. I do not think it is necessary, that is my impression, unless counsel questions the [2447] identification.

Do you question the identification of Mr. O'Neil as being the person referred to by Mrs. Segerstrom?

Mr. Grossman: Frankly, I don't know. We have no opinion on it.

Presiding Inspector: I want these documents marked. Photostatic copies may be substituted.

Mr. Grossman: I cannot agree to that at this time.

Presiding Inspector: It will be the ruling of this Examiner.

Mr. Grossman: May I say something?

Presiding Inspector: Yes.

Mr. Grossman: With reference to these notes, and with reference to the typewritten material, we have no position at the present time as to what we desire to do. It may be we will desire to have a handwriting examination made. If so, a photostatic copy would not suit our purpose as to the notes.

Presiding Inspector: A handwriting examination as to her handwriting?

(Testimony of Gertrude Segerstrom.)

Mr. Grossman: No; as to the notes, not as to her. But as to the notes it might be we would want to make some kind of an examination. I am informed that an examination of a photostatic copy is not the same by any means.

Presiding Inspector: We will have a photostat made and it may be substituted in the record finally. [2448]

Mr. Grossman: With the understanding that if we desire an examination we will have the original here for that purpose?

Presiding Inspector: You can do the same as we have done in the other cases; yes.

(The transcript of the statement referred to was marked Government's Exhibit No. 255 for identification.)

(The shorthand notes referred to were marked Government's Exhibit No. 256 for identification.)

Presiding Inspector: Mark the shorthand notes on each page.

By Mr. Grossman:

Q. Is it your testimony that these pages of your notebook have been clipped together?

A. Yes.

Q. When I say "had been" I mean between the time you put them in the file for the first time and the time that you took them out for the first time?

A. I believe I clipped them together.

Q. You don't have any recollection of this, do you?

A. No, I don't know definitely.

(Testimony of Gertrude Segerstrom.)

Q. Where did you work before you went to work for the Federal Bureau of Investigation?

A. I was attending the University of Washington at that time. [2449]

Q. Have you attended any business school to study shorthand? A. Yes, I have.

Q. What school did you attend?

A. The Metropolitan Business College in Seattle.

Q. When did you leave that school?

A. In 1931.

Q. What is the maximum speed that you have ever attained with accuracy in a stenographic test?

A. 200 words.

Q. When was that?

A. That was when I was in business college.

Q. Have you ever had any test since 1931 with reference to the speed that you can take dictation at accurately?

A. Well, you have to pass a 120 word test to get in the Federal Bureau of Investigation.

Q. How many words did you do when you took that test to get in the Federal Bureau of Investigation?

A. I don't know how many. They dictate at 120 words a minute and you take it down.

Q. Is it your testimony that you can now take 200 words a minute accurately?

A. That would depend on the kind of material.

Q. Well, with the kind of material—

A. (Interposing) I believe I could.

Q. I am concerning myself now with the kind

(Testimony of Gertrude Segerstrom.)

of material [2450] that is embodied in this statement of Mr. O'Neil's. Can you take 200 words a minute accurately with such material?

A. I believe I can.

Q. How many different times have you read over your notes before testifying?

Presiding Inspector: You have been over that.

Mr. Del Guercio: That has been asked and answered.

Mr. Grossman: Not for this reason, we have not. I asked her on how many different occasions, but I have not asked her how many different times she has read them over on the last occasion.

Presiding Inspector: Perhaps so. All right.

By Mr. Grossman:

Q. I am concerned with how many different times you read your notes over on this last occasion that you examined them?

A. I read them over once when I checked them with the transcript.

Q. Just once?

A. Just once when I checked it.

Q. What is the total number of times, not occasions but times, that you have read or re-read your stenographic notes before testifying here?

A. Not more than—I read them over when I made the first transcript, naturally; I read them over Saturday when I [2451] checked the transcript; and I read them over just this afternoon before I came in here and that is all. I didn't completely read them over. I just glanced at them.

(Testimony of Gertrude Segerstrom.)

Q. Then you have not read entirely through these notes more than three times?

A. No, I haven't.

Q. Returning to a subject. I asked you a few questions on, which is the subject of the statement you made and your signature at the end of these notes, at exactly, what time, with reference to when you finished taking the statement, did you write out your statement that appears at the end of the notes?

Mr. Del Guercio: That has been asked and answered.

Presiding Inspector: You have gone over that.

Mr. Grossman: I want it for clarification.

Presiding Inspector: We won't go into that again unless you have something more than you have already received from the witness.

Mr. Grossman: Your Honor, I believe that one is entitled on cross examination, on what counsel believes to be an important point, to ask generally similar questions at least twice.

Presiding Inspector: I think you have asked twice.

Mr. Grossman: I don't think I have. I think this is the second time. I recognize I have asked these questions before [2452], but since it is cross examination, as your Honor knows, sometimes counsel is allowed to go many times over an important point. I, therefore, ask your indulgence to go over this, at least for clarification.

(Testimony of Gertrude Segerstrom.)

Presiding Inspector: I suppose this is crucial and I will allow it.

Mr. Grossman: I am referring only to her statement at the end of the notes.

By Mr. Grossman:

Q. Exactly when did you write out this statement?

Presiding Inspector: That doesn't mean the hour, unless you can give it.

A. I can't give the hour. It was immediately after I took the statement.

Mr. Del Guercio: May I ask counsel to handle those notes with care because they are going to be used again.

Mr. Grossman: I am sorry.

Presiding Inspector: Yes; especially there at the top.

By Mr. Grossman:

Q. Was this statement put on there after you had taken the notes, at the same time, or immediately after you had read back the statement?

Presiding Inspector: Wait a minute. That doesn't cover the whole field—or immediately after she left the room.

By Mr. Grossman: [2453]

Q. Yes—which of those three, if any?

A. Immediately after I left the room.

Q. Did you write everything that is written at the end of the statement, including your signature, at one time?

A. Yes.

(Testimony of Gertrude Segerstrom.)

Q. Is it your testimony ~~that when you wrote this you had not yet been told by any representative of the FBI to do so?~~ A. Yes.

Q. And that it is not your practice to write things like this at the end of statements without being told by FBI representatives to do so?

Presiding Inspector: Just a moment. Is there any such testimony?

Mr. Grossman: I am asking—I may be wrong—but I think I have a right to ask it in that way and she can either answer it is correct or incorrect.

Presiding Inspector: If you can, answer. Of course, there is an implication there.

By Mr. Grossman:

Q. Is that correct?

Presiding Inspector: I don't know that you intended it.

Mr. Grossman: I will ask it again.

Presiding Inspector: I think she has said she hadn't done this in any other case.

By Mr. Grossman: [2454]

Q. Is it your testimony that you had never done this in any other case?

A. I have never had occasion to do it before.

Q. Have you ever done it on any other case?

A. No.

Q. How many different statements have you taken on the Bridges case or for the Bridges case?

A. I have taken several; I don't recall exactly how many.

(Testimony of Gertrude Segerstrom.)

Q. Can you give me some kind of an estimate?

A. It would probably be anywhere up to half a dozen.

Q. Can you estimate or can you tell me how many different persons are involved in those statements that you estimated at half a dozen?

Mr. Del Guercio: I think that has been answered.

Presiding Inspector: I think I will allow that.

A. That would be as one person to each statement.

By Mr. Grossman:

Q. Can you tell me how many different systems of shorthand generally in use there are?

A. No, I can't.

Q. How many different systems do you know of?

A. Just one—that I know of?

Q. Yes. A. I know of several.

Q. One is the Gregg that you use? [2455]

A. That is right.

Q. What others do you know of?

Presiding Inspector: Not that you know, but know of.

A. Naturally, I have heard of Pittman. I don't write it; I don't know anything about it.

By Mr. Grossman:

Q. What others do you know of?

Presiding Inspector: Graham?

A. No, I haven't heard of that. I have heard of Chartier's. I don't know of any others off-hand

(Testimony of Gertrude Segerstrom.)

that I can tell by the name. There are two kinds of Pittman, I know.

By Mr. Grossman:

Q. Do you know whether Gregg is slower or faster than Pittman?

A. I don't know that because I have never taken Pittman.

Q. I believe it is your testimony that the transcript which I hand to you was prepared by you, is that correct? A. Uh huh (affirmative).

Q. When you finished preparing that transcription did you do anything to connect the pages together?

A. Did I do anything to connect it? I stapled it up here.

Q. Is it possible for you to say whether the present stapling is the stapling that you yourself put on?

A. No, it's not. I haven't had this in my possession all [2456] the time, naturally.

Q. I don't know how you would know.

A. I don't know either.

Q. But is it possible to state?

Presiding Inspector: No. She said it isn't possible to state absolutely.

By Mr. Grossman:

Q. I call your attention to the fact that there are holes appearing on those pages which appear to be, but which may not be, a result of a previous stapling that has been removed. You tell me

(Testimony of Gertrude Segerstrom.)

whether when you stapled those pages together you stapled them more than once and whether those holes were caused by you?

A. No. I stapled them once. That was no paper that was stapled together.

Q. And can you state whether or not those holes which appear on the paper in which there are no staples were on the paper or in the paper at the time you turned over this copy which you have in your hand to one of your superiors?

A. Not when I first put it together. Now, how many times, if it had been taken apart between the time I put it together and the time that it was taken out of the office this morning, I don't know.

Q. But when you handed it over—that is what I am concerned with—were those holes there?

A. No. [2457]

Mr. Del Guercio: If your Honor please, the document isn't even in evidence.

Presiding Inspector: No, but I will let him ask.

Mr. Del Guercio: I have had it since then.

Presiding Inspector: You what?

Mr. Del Guercio: I have had it since then.

Mr. Grossman: Could I have the answer read back?

(The answer referred to was read by the reporter as above recorded.)

Presiding Inspector: I don't see the point to it when we have had the notes read.

Mr. Grossman: There may be a point, your Honor. If we assume the correctness of all this,

(Testimony of Gertrude Segerstrom.)

there is no point. If we assume the incorrectness, there is a point.

Presiding Inspector: Well, you haven't suggested any incorrectness so far.

Mr. Grossman. Oh, yes, we have. The testimony of Mr. O'Neil.

Presiding Inspector: Oh, aside from that.

Mr. Grossman: Well, I don't think he have to have.

Presiding Inspector: That goes to the whole matter.

Mr. Grossman: That is correct.

Presiding Inspector: There isn't any detail about it.

Mr. Grossman: I agree. We are not challenging this in detail, your Honor. We are not saying a word is wrong. [2458]

Presiding Inspector: It seemed as though it sounded that way. You seem to suggest there is some page that has been put in.

Mr. Grossman: It seems to me that we have—

The Witness: (Interposing) You can check them with the notes yourself.

Mr. Grossman: May I have that read back, please?

(The answer referred to was again read by the reporter as above recorded.)

Mr. Grossman: That is all.

Mr. Del Guercio: Just a moment, please.

Presiding Inspector: Mr. Del Guercio may want to ask you a question.

(Testimony of Gertrude Segerstrom.)

Mr. Del Guercio: I believe that is all. Thank you.

Presiding Inspector: All right.

(Witness excused.)

Presiding Inspector: Next witness.

Mr. Del Guercio: I have one more witness, if your Honor please and he will take about, oh, I should say on direct not more than a half hour. Of course, on cross examination I won't even speculate.

Presiding Inspector: Would you like to recess now until tomorrow morning?

Mr. Del Guercio: I think it would be better.

Presiding Inspector: Tomorrow morning. [2459]

(Whereupon, at 3:55 o'clock P. M. an adjournment was taken until Tuesday, April 29, 1941, at 10:00 o'clock A. M.) [2460]

Court Room 276,
Federal Building,
San Francisco, California
April 29, 1941.

Met, pursuant to adjournment, at 10:00 A. M.

[2461]

PROCEEDINGS

Presiding Inspector: You may proceed.

Mr. Del Guercio: Take the stand please, Mrs. Segerstrom.

GERTRUDE SEGERSTROM

a witness recalled on behalf of the Government, having been previously ~~duly~~ sworn, testified as follows:

Direct Examination

Mr. Del Guercio: If the Court please, we have the witness on the stand this morning only for one purpose, the purpose of identifying Mr. O'Neil.

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. Mrs. Segerstrom, you testified yesterday that you took dictation from a certain James O'Neil on October 7, 1940. Do you see that James O'Neil in the court room?

A. (Surveying court room) Yes, I do.

Q. Where is he?

A. Over there (indicating) in the corner.

Mr. Del Guercio: Will you stand up, Mr. O'Neil?

Mr. O'Neil: (Standing) Yes, sir.

By Mr. Del Guercio:

Q. Is that the Mr. O'Neil that dictated a certain statement to you on October 7, 1940 in the office of the local Federal Bureau of Investigation?

A. Yes, sir, it is. [2462]

Mr. Del Guercio: That is all.

Mr. Grossman: No questions.

Presiding Inspector: That is all. You do not want Mr. O'Neil further, do you?

Mr. Del Guercio: No.

Presiding Inspector: You are excused so far as this Presiding Inspector is concerned.

Mr. O'Neil: Thank you.

(Witness excused.)

Mr. Grossman: Your Honor, before we begin with this witness I have a request to make.

Presiding Inspector: Yes.

Mr. Grossman: We desire to have a photostatic copy made of each of the last two exhibits, which would be the stenographic notes and the transcription. We desire this photostatic copy made, though, from the originals and not from a photostatic copy because there are certain blurs that take place. Now, we understand that the notes have been withdrawn for the purpose of the Government's making a copy to be substituted. Therefore, we request that the notes be handed back to the reporter for one day so that he can have made for us a photostatic copy and that he be allowed to—

Mr. Del Guercio: (Interposing) They should not go out of the hands of the reporter at any time.

Mr. Grossman: Yes, I am stating that. [2463]

Presiding Inspector: Yes, that is understood.

Mr. Grossman: Therefore, the reporter will have both the notes and the transcription for the one day for the purpose of having copies made.

Presiding Inspector: Yes. That is understood.

You present this witness, Mr. Del Guercio?

Mr. Del Guercio: Yes.

Presiding Inspector: Will you step on the platform there and raise your right hand?

ALGIA E. REESE

called as a witness on behalf of the Government,
having been first duly sworn, testified as follows:

Presiding Inspector: Now, Mr. Del Guercio.

Mr. Del Guercio: I am waiting for the reporter
to get certain exhibits.

Presiding Inspector: Oh, I beg your pardon.

Mr. Del Guercio: If I may proceed to ask several
questions.

Direct Examination

By Mr. Del Guercio:

Q. Where do you live?

A. Eureka.

The Reporter: Your name, please?

The Witness: A. E. Reese.

The Reporter: Spell the last name, please. [2464]

The Witness: A-l-g-i-a E. R-e-e-s-e.

By Mr. Del Guercio:

Q. Have you ever been a member of the Industrial Workers of the World? A. Yes, sir.

Q. When did you join the Industrial Workers of the World. A. 1918.

Q. And for how long a period did you remain a member?

A. I left them in 1920; the latter part of '20.

Q. And have you ever been a member of the IWW since that time? A. No, sir.

Q. During the time that you were a member of the IWW did you become familiar with its literature? A. Most of it.

(Testimony of Algia E. Reese.)

Mr. Grossman: Any particular songs you are referring to?

Mr. Gladstein: Are you going to have the witness sing?

Mr. Del Guercio: Don't get too wise!

Your Honor, I object to counsel making remarks without addressing the Court.

Presiding Inspector: I didn't hear him. Don't indulge in these conversations back and forth. We will get along better. [2465]

By Mr. Del Guercio:

Q. Mr. Reese, I show you a pamphlet headed "The Revolutionary IWW," by Grover H. Perry, published by the IWW Publishing Bureau, 112 Hamilton Avenue, Cleveland, and ask you if you have ever seen such pamphlet? A. Yes, sir.

Q. Did you see that pamphlet at the time you were a member of the IWW? A. I did.

Q. Where?

A. Well, I saw it all over the country—through the middle states.

Q. Was it distributed and circulated by the IWW? A. It was.

Q. At the time you were a member of the IWW?

A. Yes.

Mr. Del Guercio: I offer this in evidence as Government's Exhibit next in order.

Mr. Grossman: We are going to object to that because—we will make no objection if proper foundation has been laid for these documents. We do not

(Testimony of Algia E. Reese.)

feel that the testimony of a man who has not been qualified, except as an individual member of the IWW, with such general testimony as the IWW did circulate this, is sufficient foundation. We think there has to be more of a tie; in the first place, more knowledge on the part of [2466] this witness with the functioning of the IWW as an organization, more of a tie with the organization as such. We claim no proper foundation has as yet been laid.

Presiding Inspector: I think it would be well to identify it further.

Mr. Del Guercio: If the Court please, let us have this understanding: Under the 1918 Act membership in an organization which publishes, circulates and distributes literature advocating certain things is made a ground for deportation.

Presiding Inspector: Yes.

Mr. Del Guercio: Knowledge of the contents of the literature on the part of the Alien, or anyone else, is immaterial. That is another charge. So on that ground I think it is sufficient.

Presiding Inspector: You don't show that was distributed during the time that Mr. Bridges was in this country. Are you going to show that this has continued to be—

Mr. Del Guercio: (Interposing) I think it is sufficient, if your Honor please—and I may be wrong—that if we establish the nature of the organization, a certain organization at a particular period, there is a rule of presumption that that status continues until it is shown to the contrary.

(Testimony of Algia E. Reese.)

Presiding Inspector: I was going to ask whether you relied on that.

Mr. Del Guercio: Yes, we do. That status continues until [2467] the contrary is shown.

Presiding Inspector: How are you going to connect this up with Mr. Bridges?

Mr. Del Guercio: We will show that Mr. Bridges admitted that at one time he was a member of the IWW.

Mr. Grossman: I think——

Presiding Inspector: This is a matter for cross examination, subject to a motion to strike out.

Mr. Grossman: I am assuming that the statute must be interpreted to mean that the organization as such, not an individual member, or not a small local group, has published documents before this portion of the statute will come into application. True, this witness has testified that the organization, presumably meaning the entire national organization, has published these. But he has not indicated that he had the experience or the position so that he could state this of his own knowledge. He may have been in such a position so he can state the national organization did that. Not having laid such a basis I think we have to assume that he doesn't have the personal knowledge that the entire organization has done that, or that he may be referring to a local organization. Therefore, I say that no proper foundation has been laid unless he indicates that he has of his own knowledge information that the national or-

(Testimony of Algia E. Reese.)

ganization of the IWW had circulated these documents.

So we renew our objection that no proper foundation has [2468] been laid.

Presiding Inspector: I think it is somewhat doubtful, Mr. Del Guercio:

Mr. Del Guercio: I think in our opening statement, if the Court please, we made an effort—

Presiding Inspector: I remember that he spoke of that.

Mr. Del Guercio: Yes. This witness has testified that he was a member of the IWW at that time.

Presiding Inspector: Let us find out where he was a member, what kind of membership he had, whether he had anything to do with the local chapters, or lodges, or whatever they may be called. I don't know what they do call them, do you?

Mr. Del Guercio: No—locals, I suppose.

Presiding Inspector: What number it was, and where it was.

By Mr. Del Guercio:

Q. Where did you join the IWW, Mr. Reese?

A. I joined in the harvest fields.

Q. Where?

A. In the harvest fields.

Q. Where? A. Kansas.

Q. What particular place?

A. I think it was around Hoisington.

Q. And did it have a name, that is, the local that you [2469] belonged to?

(Testimony of Algia E. Reese.)

A. No; I belonged to Local 600, Industrial Union 600.

Q. Did you receive a membership book?

A. I did.

Q. I will show you a membership book—

Mr. Gladstein: (Interposing) May we see it first?

By Mr. Del Guercio:

Q. (Continuing) —Industrial Workers of the World, official membership, issued by authority of the General Executive Board of the IWW, and ask you if at the time you joined the IWW you received a book similar to this?

A. (Examining book) I did.

Q. Will you look it over and see whether it is exactly similar to that one, except with the exception of the stamps and written matter therein?

A. (Examining book) It is apparently the same.

Q. Mr. Reese, as a member of that local, whatever it was, were you a member of the national or international IWW? A. Yes, sir.

Q. And this book that I have shown you, and which you have identified, was it distributed by the International Workers of the World as an organization? A. It was.

Mr. Gladstein: May I interrupt for a moment to ask whether we could hear the previous question and answer read, the question [2470] and answer before the last question and answer?

Presiding Inspector: Yes.

(The question and answer referred to were read by the reporter as above recorded.) [2471]

(Testimony of Algia E. Reese.)

By Mr. Del Guercio:

Q. By whom was this pamphlet here, the "Revolutionary IWW," circulated and distributed?

A. Well, by the membership of the IWW.

Q. Do you know what the IWW publishing bureau is?

A. Well, at one time they had a publishing bureau or printing plant at 1001 West Madison Street where they printed their own materials.

Presiding Inspector: Chicago?

The Witness: Chicago.

By Mr. Del Guercio:

Q. And what was that?

A. The IWW itself.

Q. Was it owned by the IWW organization?

A. It was.

Q. And do you know if this booklet that I have shown you here, the "Revolutionary IWW," contains the accepted doctrines and teachings of the IWW at the time you were a member of it?

A. Yes.

Mr. Grossman: I object to that question upon the ground no proper foundation is laid.

Presiding Inspector: I will let him answer "Yes" or "No."

"Yes" or "No"? [2472]

The Witness: Yes.

Mr. Del Guercio: I offer it in evidence, your Honor.

Presiding Inspector: You have only asked the question whether he knows.

(Testimony of Algia E. Reese.)

Mr. Del Guercio: Whether this booklet contains the accepted doctrines and teachings.

Presiding Inspector: Yes, whether he knows. You haven't asked him whether it does.

By Mr. Del Guercio:

Q. Well, does it contain the accepted doctrines and teachings of the IWW at the time you were a member? A. Yes.

Mr. Del Guercio: I offer it in evidence.

Mr. Grossman: We make the same objection.

Presiding Inspector: I will receive it.

(The booklet referred to was received in evidence and marked Government's Exhibit No. 257.)

Mr. Del Guercio: And I also offer at this time this membership book in the IWW.

Presiding Inspector: It may be received.

(The book referred to was received in evidence and marked Government's Exhibit No. 258.)

By Mr. Del Guercio:

Q. I show you the booklet called "The IWW Songs to Fan the Blames of Discontent," bearing the symbol or label here "Industrial Workers of the World, IWW, Universal, Joe Hill [2473] Memorial Edition, Published by the IWW Publishing bureau, 1001 West Madison Street, Chicago, Illinois," and ask you if you are familiar with that pamphlet?

A. Yes, sir.

Q. Was that pamphlet distributed and circulated

(Testimony of Algia E. Reese.)

by the IWW organization during the time that you were a member? A. It was.

Q. Are you familiar with any of the songs printed in this booklet?

A. Well, I have read most of them, but not being a singer I didn't take a great deal of interest in them.

Q. Were any of the songs contained herein sung at any of the meetings that you attended?

A. Yes, sir.

Q. Would you say that all of them were?

A. I wouldn't say all of them, no.

Q. This booklet indicates that it was published by the IWW publishing bureau at 1001 West Madison Street. Is that the address you have previously given? A. Yes, sir.

Mr. Del Guercio: I offer this book in evidence, your Honor.

Mr. Grossman: We make the same objection.

Presiding Inspector: I will receive it.

Mr. Del Guercio: And I refer the Court particularly to [2474] pages 10, 13, 14 and 15 of this book.

The reporter has not apparently brought in the exhibits that were introduced last week yet.

Mr. Grossman: Before we continue, your Honor, I have just examined this exhibit with particular reference to the pages Mr. Del Guercio indicated he wanted to call to the Court's attention. As a result of that examination I want to make an additional objection to its introduction upon the ground that it is incompetent, irrelevant and immaterial because,

(Testimony of Algia E. Reese.)

having read each of these songs, I am unable to find anything in those songs which were particularly called to your attention at least which would in any way indicate that the IWW violated the provisions of this Statute. Songs dealing as far away as:

"You will eat, bye and bye,

"In the glorious land above the sky;

"Work and play, live on hay,

"You'll get pie in the sky when you die."

Songs that are pretty generally sung and, so far as I am able to find, have no relationship to a violation of the statute. So I make that additional ground for its introduction into evidence.

Presiding Inspector: Of course, I haven't ruled on anything like that.

Mr. Grossman: I would ask you to rule as to whether [2475] they were incompetent, irrelevant and immaterial.

Presiding Inspector: Let me see them.

Mr. Grossman: I believe the pages were 10, 13, 14 and 15.

(The Exhibit referred to was passed to the Presiding Inspector.)

Mr. Del Guercio: Reading those songs, if your Honor please, particular attention must be had to the verses of them as indicated on the cover "To Fan the Flames of Discontent."

Presiding Inspector: Well, even so, I don't suppose that that is a fault within the meaning of the statute.

(Testimony of Algia E. Reese.)

Mr. Del Guercio: That particular book has been introduced and accepted in many United States District Courts as evidence of the revolutionary nature of the IWW.

Presiding Inspector: Very well. I will just read this.

Mr. Del Guercio: And particularly in the Haywood trial, if the Court please.

Mr. Gladstein: Was that a trial for—was that under this statute?

Mr. Del Guercio: Address your remarks to the Court! Don't talk to me!

Mr. Gladstein: I will ask the Court whether counsel intends the Court to understand that the Haywood trial that he has just referred to and in which he said this document that [2476] your Honor now has in your hand was introduced in evidence. I am asking whether he intends to imply that the Haywood trial was held under this statute.

Presiding Inspector: Oh, no. I don't think so. I don't so understand. That is a matter of general history.

I would like to have a little time to read these verses.

What were the other pages besides 10? . . .

Mr. Del Guercio: 13, 14 and 15.

Does that book contain the song entitled "Casey Jones, The Union Scab"?

Presiding Inspector: "Casey Jones"? I will have to look in the index. Yes, that is page 32.

Mr. Del Guercio: I refer particularly to the last

(Testimony of Algia E. Reese.)

part of that song wherein Casey sings "Let me alone, you'd better take a hike. Then someone put a bunch of railroad ties across the track, and Casey hit the river with an awful crack."

Maybe they could sing that, a quartet.

Presiding Inspector: I don't see any evidence of favoring an overthrow of the Government by force in that book. I will reject it.

Mr. Del Guercio: Sir?

Presiding Inspector: I will reject that book.

Mr. Del Guercio: Reject it?

Presiding Inspector: Yes. I won't admit it in evidence. I don't see anything that goes so far as to show that they [2477] favor the overthrow of the Government of the United States by force and violence.

Mr. Del Guercio: If your Honor please, it isn't our contention that it does. It is our contention that this IWW literature which we are now introducing advocates and teaches the unlawful destruction of property and sabotage.

Presiding Inspector: That may be.

Mr. Del Guercio. Not the overthrow of the Government of the United States.

Presiding Inspector: That is what we are aiming at here.

Mr. Del Guercio. Oh, no. I beg to differ with the Court, if the Court would excuse me.

Presiding Inspector: I understood that was so from the opening address.

(Testimony of Algia E. Reese.)

Mr. Del Guercio: No charge as yet—no ground for the Alien's deportation is contained in the Warrant regarding his membership in the IWW. We intend to at the proper time urge that additional charge. The charge—and we have that right under the law—

Presiding Inspector: (Interposing) Yes.

Mr. Del Guercio: (Continuing)—and under the rules.

Presiding Inspector: Yes, I know.

Mr. Del Guercio: We are introducing this now as a foundation for the lodging of the additional charge. And I repeat again, that we do not intend to show that the IWW advocates and teaches the overthrow of the Government of the United States by force [2478] and violence, but we do—

Presiding Inspector: (Interposing) I thought that was the point of it.

Mr. Del Guercio: No, if your Honor please. Only that it advocates and teaches the unlawful destruction of property and sabotage.

Presiding Inspector: Let me see the statute. You have got it right there. [2479]

Mr. Del Guercio: 41 Stat. 108. It is amended by the Alien Registration Act of 1940.

Presiding Inspector: Yes; I understand.

(The statute book was passed to the Presiding Inspector.)

Presiding Inspector: Where is it?

Mr. Del Guercio: I refer to sub-sections (d) and (e) of that number.

(Testimony of Algia E. Reese.)

Presiding Inspector: (d) and (e)?

Mr. Del Guercio: Yes, the last reference to aliens writing and publishing, and so forth, in the last sentence.

Presiding Inspector: I see.

(Referring to portion indicated.)

Now, which is the—

Mr. Del Guercio: (Interposing) I think I can show the Court the statute prescribes four types of organizations under sub-section (e).

Presiding Inspector: I have read that.

What is the Act you are proceeding under?

Mr. Del Guercio: The Act of 1918 as amended.

Presiding Inspector: The Act of October 16, 1918?

Mr. Del Guercio: Correct; Section 137, U. S. Code.

Presiding Inspector: May I see the Warrant?

Mr. Del Guercio: It was entered as Exhibit 1.

Presiding Inspector: Yes. Let me see Exhibit 1.

(Government's Exhibit No. 1 was passed to the Presiding [2480] Inspector.)

Presiding Inspector: The only charge against the Alien up to the present, the charge on which the deportation is predicated, is being a member of or affiliated with an organization and so forth, that believes in, advises, advocates or teaches the overthrow by force or violence of the Government of the United States; further, that after entering he has been a member of or affiliated with an organization, asso-

(Testimony of Algia E. Reese.)

iation, society, or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue or display, written or printed matter advising, advocating, or teaching the overthrow by force or violence of the Government of the United States.

Mr. Del Guercio: That is correct, your Honor.

Presiding Inspector: If you want to amend the warrant, I think, under the rule, you are entitled to do so.

Mr. Del Guercio: I told the Court I intended to do so. I said we are not relying, we are not stating, nor do we intend to prove that the IWW is an organization which comes within the present charges in the Warrant. But I intend—I will do it now and I believe that will clear it up.

I lodge the additional charge at this time and I make that request now. [2481]

Presiding Inspector: What is the request?

Mr. Del Guercio: I request the Presiding Inspector to notify, to place the Alien on notice, that in addition to the charges contained in the Warrant of Arrest, his deportation is sought on the following grounds:

That he is an Alien who, after entering the United States, became a member of an organization, association, society or group, which advised, advocated and taught the unlawful damage, injury or destruction of property and sabotage.

(Testimony of Algia E. Reese.)

And as an additional ground, further, ground, that after entering the United States he became a member of an organization, association, society or group, that circulated and distributed written or printed matter advising, advocating or teaching the unlawful damage, injury, or destruction of property and sabotage.

Presiding Inspector: Now let me see the rules of the Department about amendments to the Warrant. I know there is a provision there.

(Whereupon the rules referred to were passed to the Presiding Inspector.)

Mr. Del Guercio: Section 19.6 (i) of the new regulations governing the arrest and deportation of Aliens.

Presiding Inspector: It is (1) instead of (i).

Mr. Del Guercio: Is it?

Presiding Inspector: Yes. Is there any objection to an [2482] affirmative ruling on this motion?

Mr. Grossman: We have no objection except that it may mean we will make certain requests for a chance to prepare against that. We have no objection.

Presiding Inspector: I will allow the amendment, and I will advise the Alien, and notify him, that this additional charge is lodged against him, and we will proceed with the hearing upon this charge, as upon the matters charged in the Warrant of Arrest originally.

Mr. Grossman: May we have a reading of it?

(Testimony of Algia E. Reese.)

Presiding Inspector: Yes. The reporter will read it?

No, perhaps I ought to read it because the provision was that I should read the charge in the Warrant.

Now, Mr. Bridges, listen to this.

It is charged that you are an Alien who, after entering the United States, became a member of an organization, association, society or group, which advised, advocated and taught the unlawful damage, injury or destruction of property and sabotage, and that you are a member of an organization, association, society or group, that circulates and distributes written or printed matter advising, advocating or teaching the unlawful damage, injury or destruction of property and sabotage.

Now, the second part brings it down to the present. Is that what you meant? [2483]

Mr. Del Guercio: I read it in the past, "circulated and distributed."

Presiding Inspector: "that you have been a member of an organization"——

Mr. Del Guercio: That is right.

Presiding Inspector: That should be "have been" instead of "are".

It should read, "and that you have been, since your arrival in this country, a member of an organization that circulates"——

Mr. Del Guercio: (Interposing) "circulated."

Presiding Inspector: (Continuing) —— "that circulated and distributed written or printed mat-

(Testimony of Algia E. Reese.)

ter advising, advocating or teaching the unlawful damage, injury or destruction of property and sabotage."

We had better change those into the past—"circulated and distributed" and "that you are or have been"—is that the way you want it?

Mr. Del Guercio: Yes, sir.

Presiding Inspector: There is no objection to amending it so that it covers what Mr. Del Guercio means it to cover?

You understand what I have read to you?

Mr. Bridges: I do.

Presiding Inspector: And you don't want it read again?

Mr. Bridges: No. I understand it perfectly.

[2484]

Mr. Del Guercio: In view of the additional charges lodged against the Alien I again offer the last booklet mentioned in evidence.

Presiding Inspector: I will have to read the "Case Jones" song again.

Mr. Del Guercio: There are several more I would like to call the Court's attention to: "Should I Ever be a Soldier?"; and "Christians at War."

Mr. Grossman: Your Honor.—

Presiding Inspector: (Interposing). I think it is of very little importance.

Mr. Grossman: Your Honor, may I say this?

Presiding Inspector: Yes.

Mr. Grossman: We make the additional objection to its introduction upon the ground that songs

(Testimony of Algia E. Reese.)

in general and these songs in particular are not such vehicles as can constitute the violation of the statute advising, advocating, teaching, because you can take judicial notice of the fact that songs constituting and advocating—that many of our popular songs would be constituting certain immoral and criminal acts, and I think it is generally considered that songs are not of that character.

Presiding Inspector: You mean like “Frankie and Johnnie”?

Mr. Grossman: I am not making any specific—

Presiding Inspector: (Interposing) We have a judicial [2485] opinion on that in the State of New York in the Court of Appeals.

Mr. Grossman: At any rate, we make that additional objection to the introduction of this volume of songs.

Presiding Inspector: I don't believe it is of sufficient importance to put it in the record. I will reject this. The good taste of the songs may be doubted.

By Mr. Del Guercio:

Q. I will show you here Government's Exhibit 252 “The IWW, its History and Structure,” and ask you if you saw that book during the time you were a member of the IWW or a book similar to it? A. Yes, sir.

Q. And was it distributed and circulated by the IWW during the time that you were a member?

A. It was.

(Testimony of Algia E. Reese.)

Q. And does it contain the accepted doctrines, practices and teachings of the IWW during the time that you were a member of the organization of the IWW? A. Yes.

Mr. Del Guercio: I believe this book has already been introduced in evidence, if your Honor please, subject to a motion.

Presiding Inspector: Yes. [2486]

By Mr. Del Guercio:

Q. I now show you—

Mr. Grossman: (Interposing) Just a moment! We make our motion to strike at this time on the ground of the first objection that I made, which was that no proper foundation has been laid.

Presiding Inspector: At that time?

Mr. Grossman: At this time. Also we think that no proper foundation has been laid at this time.

Presiding Inspector: Well, I will receive it now and deny the motion to strike. It has already been received tentatively.

By Mr. Del Guercio:

Q. I will show you also a booklet, Government's Exhibit 253 for identification, entitled "Sabotage, its History, Philosophy and Function", on the front of the back cover of which appears "IWW Literature, IWW Publishing Bureau, 1001 West Madison Street, Chicago; pamphlets 10 cents each or \$3.50 per hundred;" and among the pamphlets shown are the "IWW History, Structure and Methods, St. John, Revised," and "Sabotage by Smith," and ask you if you are familiar with this document?

(Testimony of Algia E. Reese.)

A. I am.

Q. Was that booklet distributed and circulated by the [2487] IWW during the time that you were a member?

A. It was; yes, sir.

Q. And was it accepted as a doctrine of the IWW during the time that you were a member?

A. Yes, sir.

Mr. Del Guercio: I will offer this in evidence, if your Honor, please, and refer—

Presiding Inspector: (Interposing) I will receive it.

Mr. Del Guercio: I will offer it in evidence first.

Presiding Inspector: I will receive it.

Mr. Grossman: We wish the record to show our same objection previously made and our same motion to strike.

Presiding Inspector: Yes, certainly. And the same ruling.

(The booklet referred to was received in evidence and marked Government's Exhibit No. 253.)

Mr. Del Guercio: I don't refer to any particular part of this book. I refer to the entire book as advocating and teaching sabotage.

By Mr. Del Guercio:

Q. Did this booklet here have a popular name; that is, have a name other than the one indicated on the cover?

A. They call it the "Sab-Cat."

Q. The "Sab-Cat"? — A. Yes. [2488]

(Testimony of Algia E. Reese.)

Q. Who called it the "Sab-Cat"?

A. The membership.

Mr. Del Guercio: That is all. You may cross examine.

Mr. Grossman: May we have an intermission at this time so we can discuss the cross examination?

Presiding Inspector: Yes. We will take a short recess.

(Whereupon, a short recess was taken.)

Presiding Inspector: You may proceed, Mr. Gladstein.

Cross Examination

By Mr. Gladstein:

Q. Mr. Reese, when in 1918 did you join the IWW? A. I didn't get that.

Presiding Inspector: When in 1918 did you join the IWW?

The Witness: Sometime in June.

By Mr. Gladstein:

Q. I think you said you joined in the harvest fields somewhere in Kansas? A. Yes, sir.

Q. And how did you join? What were the mechanics of your joining? Would you state that just briefly?

A. Well, the same as joining a lot of organizations I presume. You laid your \$2.00 down and you received a dues book.

Q. Were there dues to be paid?

A. 50 cents per month. [2489]

(Testimony of Algia E. Reese.)

Q. I think you said you joined a local called "Local 600"? A. 600.

Q. Where were its offices? A. In Chicago.

Q. How did you pay your dues thereafter?

A. Delegates in the field.

Q. For how long did you continue to pay dues?

A. About two years.

Q. And you would say that you paid dues and were a member of the IWW from about June, 1918 to about June, 1920?

A. Yes, sir.

Q. Then you dropped out in June, 1920?

A. Yes, sir.

Q. Did you resign or did you just stop paying dues?

A. I just stopped paying dues.

Q. During the time that you were in the organization did you attend meetings?

A. Some.

Q. Can you state where these meetings were held?

A. I attended a couple of meetings in Minneapolis, Minnesota.

Q. Was there anything outstanding about these meetings? I mean, were these simply local gatherings of fellow members of the IWW or were they conventions or what? [2490]

A. Just local meetings.

Q. Did you ever attend a convention of the IWW?

A. No, sir.

Q. Did you ever attend any important conclave or gathering of the leaders of the IWW?

A. No, sir.

(Testimony of Algia E. Reese.)

Mr. Del Guercio: I object to that question, your Honor. There is nothing to indicate what is an important conclave or meeting of the IWW.

Presiding Inspector: Oh, I will take it. It is indefinite.

By Mr. Gladstein:

Q. Were you ever a member of any governing committee or body of any kind in the IWW?

A. I don't—(Pause).

Q. Did you ever hold an office in the IWW?

A. Yes, sir.

Q. What office did you hold?

A. Well, I was the local Secretary at one time.

Q. Where was this? A. Chicago.

Q. And during what period of time?

A. I think it was around the summer months of '20.

Q. Can you be more definite about that?

A. Well, it was probably from January until July, 1920.

Q. How did you obtain that office? [2491]

A. By election.

Q. Election of whom? A. The members.

Q. What were you? Recording Secretary?

A. No, I was the Industrial Union Secretary.

Q. What were your duties in a general way?

A. Oh, just oversee the membership records and so forth.

Q. Anything else? A. That's all.

Q. Did you ever hold any other office?

A. No, sir.

(Testimony of Algia E. Reese.)

Q. You were never on the Executive Board or whatever the name of it was of the IWW itself?

A. No, sir.

Q. After you dropped out did you retain any interest in the kind of literature that was circulated by the organization? A. No, sir.

Q. During the time that you were in the organization you said that certain documents which were shown to you here this morning were circulated. Did you mean from one member to another?

A. They were sold in book stores, circulated amongst the membership. [2492]

Q. Where were these book stores?

A. In nearly every city they had a book store—Minneapolis had them, Chicago had them, Kansas City.

Q. Do you know how these book stores were run? A. I do not.

Q. In other words, your knowledge as to how you would go in and get books from a book store would be the same knowledge, for example, that I would get if I walked in as an outsider and wanted to buy some books, is that correct?

Mr. Del. Guercio: I object to that question as being clearly improper.

Presiding Inspector: I will allow it. This is cross examination.

Mr. Gladstein: Do you want the question read?

The Witness: Please.

(Testimony of Algia E. Reese.)

(The question referred to was read by the reporter as above recorded.)

A. The organization had some of its own book stores in their halls, local halls.

By Mr. Gladstein:

Q. Where?

A. Chicago, Kansas City, Minneapolis.

Q. When you say "book stores" what do you mean?

A. They were also sold on the open market.

Q. You mean that some of these pamphlets and other [2493] publications could be found in any ordinary book store or public library?

A. I wouldn't say as to that.

Q. You don't know? A. No.

Q. Is your knowledge of the doctrines taught by the IWW based entirely upon what you read in their literature? A. Mostly.

Q. Would you say substantially all?

A. Yes, sir.

Q. Do you wish to testify, Mr. Reese, that every document ever published by the IWW, or any officer or member of the IWW, was intended to represent the official position of the IWW?

Mr. Del Guercio: If your Honor please, I object to the form of the question—"Do you wish to testify?"

Mr. Gladstein: I will withdraw the first part of the question about "do you wish to testify".

I am asking the question as to whether it is his

(Testimony of Algia E. Reese.)

testimony, whether that is the fact, as he wants to put it.

Mr. Del Guercio: Why not ask the question then as to what he knows?

Presiding Inspector: I don't think I fully understand the amended question.

Mr. Gladstein: I will withdraw it, your Honor.
[2494]

Presiding Inspector: Ask it again.

By Mr. Gladstein:

Q. Do you know whether every pamphlet or document put out by the IWW Publishing Bureau, or put out by any officer or member of the IWW, during the time that you were in it, was intended to express the official position of the organization?

Mr. Del Guercio: I object to the question as being immaterial, irrelevant to any issue in this case.

Presiding Inspector: We have testimony that this book was put out by the IWW. You didn't ask him whether this represented the principles, did you, of the IWW?

Mr. Del Guercio: Sir?

Presiding Inspector: You didn't ask whether these exhibits represented the principles of the IWW.

Mr. Del Guercio: I did, at the time he was a member.

Presiding Inspector: Then I will allow it.

Mr. Gladstein: Do you want the question read?

(Testimony of Algia E. Reese.)

The Witness: Please.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: You asked an earlier witness definitely that.

Mr. Del Guercio: I don't recall.

A. I couldn't say it was. [2495]

By Mr. Gladstein:

Q. As a matter of fact, Mr. Reese, isn't it true that the IWW Publishing Bureau used to put out a lot of documents that did not represent any official position of the organization, but simply represented the personal viewpoints of the people who were writing those documents?

Mr. Del Guercio: I object to that as being immaterial, if your Honor please.

Presiding Inspector: If he knows he may answer.

Mr. Del Guercio: I object on this ground: The charge, as it will be noted, is that the Alien here was a member of an organization that circulated and distributed certain literature. Whether or not it represented the view of the officials of the organization, whether or not it represented the views of the organization as such, I say is immaterial.

Presiding Inspector: But I asked you that very question, and you said you did ask the witness whether these pamphlets represented the principles of the IWW. Now, as meeting that question that you asked, I will allow this. It may not be perti-

(Testimony of Algia E. Reese.)

nent on the other point but, nevertheless, you having opened the door I will take it.

Mr. Gladstein: Do you want the question read?

The Witness: Yes.

(The question referred to was read by the reporter as [2496] above recorded.)

Presiding Inspector: If you know—go ahead.

A. I do not know.

By Mr. Gladstein:

Q. Isn't it true that the IWW, during the time that you were in it, believed in not having any central body exercising control or discipline over its members, but on the contrary, allowing all members to express any viewpoint they liked through publications of the IWW Publishing Bureau?

Mr. Del Guercio: I object to the question on the ground that no proper foundation has been laid for it.

Presiding Inspector: He is asking him—if he knows he may answer.

A. I have no knowledge.

Presiding Inspector: He says it isn't true. He says he don't know.

By Mr. Gladstein:

Q. Do you know what the theory of the IWW was while you were in it on the question of control or discipline of members?

Mr. Del Guercio: I object to this as not being proper cross examination.

(Testimony of Algia E. Reese.)

Presiding Inspector: If he knows he can answer.

A. I could not say.

Presiding Inspector: He doesn't know. [2497]

By Mr. Gladstein:

Q. Mr. Reese, isn't it a fact that during the World War the General Executive Board of the IWW passed an official resolution disavowing sabotage and damage to property? C

A. Not to my knowledge.

Q. You don't know of such a thing?

A. No.

Q. Isn't it a fact that at an official convention of the IWW such a resolution as I have described was officially approved?

Mr. Del Guercio: If your Honor please, I object to that question.

Presiding Inspector: If he knows he may answer.

A. I do not know.

Presiding Inspector: He doesn't know.

By Mr. Gladstein:

Q. Do you know Walker C. Smith—do you know who he was?

A. I did not know the gentleman.

Q. Do you know whether he ever occupied any kind of a position with the IWW? A. No.

Mr. Gladstein: I call your Honor's attention to the fact that the exhibit which the Government

(Testimony of Algia E. Reese.)

has introduced as No. 252 entitled, "Sabotage" purports to have been authored [2498] by Walker C. Smith.

By Mr. Gladstein:

Q. Do you know Grover H. Perry—do you know who he was? A. I didn't know the man.

Q. Do you know whether he ever held any official position as spokesman for, or an officer of the IWW? A. No.

Mr. Gladstein: I call your Honor's attention to the fact that Government's Exhibit No. 257 in evidence entitled "The Revolutionary IWW," purports to have been authored by Grover H. Perry.

By Mr. Gladstein:

Q. Did you believe in sabotage while you were in the organization? A. Not necessarily.

Q. What do you mean by that? A. No.

Q. You mean you didn't believe in it?

A. Yes.

Q. You didn't practice it? A. No.

Q. And you could be a member of the IWW without believing in or practicing sabotage, is that correct?

A. I was never asked whether I did or did not.

Q. I am asking you, whether it is a fact that you were [2499] and could have been a member of the IWW without either believing in or practicing sabotage?

A. I didn't believe in it and I didn't practice it, and I belonged.

(Testimony of Algia E. Reese.)

Q. When you joined the organization did you think at that time that you would be required to practice sabotage? A. No.

Q. Did you believe at that time that you would be required, or advised to advocate or practice violence? A. No.

Q. During the time that you were in the IWW did you believe in violence? A. No.

Q. Did you practice it? A. No.

Q. Did you believe in the unlawful destruction of property? A. No.

Q. Did you advocate it? A. No.

Q. Did you use it? A. No.

Q. Did you believe in the use of force and violence to overthrow the United States Government?

A. No.

Q. Did you ever practice the use of force and violence [2500] for such an overthrow?

A. No.

Q. Do you have a distinct recollection of seeing this pamphlet entitled "Sabotage" any particular place before you came here today?

A. Before I came here?

Q. Yes. A. Positively.

Q. Where?

A. I saw it in Chicago, Kansas City, in fact, I used to own one.

Q. And where in Chicago and Kansas City did you see this? A. 1001 Madison Street.

Q. Where in Kansas City?

A. I don't know the address.

(Testimony of Algia E. Reese.)

Q. Did you see these in the possession of members of the IWW?

A. I saw them in the possession of members and also on the book shelves.

Q. While you were in the IWW did you feel that you were a good loyal member of the organization?

Mr. Del Guercio: I object to the question.

Presiding Inspector: I will allow it.

The Witness: I didn't get that. [2501]

Presiding Inspector: When you were a member did you feel yourself to be a good and loyal member of the organization? A. I did.

By Mr. Gladstein:

Q. And that you carried out its principles and its work?

A. I don't understand that question.

Q. And did you feel that you were carrying out the principles and work of the organization while you were in it?

A. From my point of view, yes.

Mr. Del Guercio: I object.

By Mr. Gladstein:

Q. That is what I wanted to know. Where do you live, Mr. Reese? A. Eureka.

Q. Eureka, what? A. California.

Q. And your business? A. I have none.

Q. Well, how do you make your livelihood?

A. I am working for the WPA.

Q. When was the last time that you had employment in [2502] private industry?

(Testimony of Algia E. Reese.)

A. 1931.

Q. When is the first time that you were asked by the Department of Justice or the FBI to be a witness in this case?

Mr. Del Guercio: I will object to this line of questioning, if your Honor please.

Presiding Inspector: I will allow it. It is a matter of his credibility.

A. About two weeks ago.

By Mr. Gladstein:

Q. Have you ever testified before on the IWW?

A. No, sir.

Q. In any Court? A. No, sir.

Q. Anywhere? A. No, sir.

Q. All right. Now, where were you at the time that you were contacted about two weeks ago?

A. I was in Eureka.

Q. In your home? A. No, sir; working.

Q. Who contacted you?

A. A Mr. Holland, I believe.

Q. Who is he?

A. Immigration Department. [2503]

Q. Did you have a conversation at that time with him? A. Very little.

Q. What was the substance of it?

A. He asked me if I belonged to the IWW and I told him I did.

Q. And that was all? A. Practically all.

Q. Did he mention to you how he happened to come to you? A. No, sir.

(Testimony of Algia E. Reese.)

Q. Did he tell you what he wanted of you?

A. He did when he left.

Q. What did he say?

A. He said they might want me to come down here and testify?

Q. And then there was more conversation than you indicated before? There must have been some discussion about this case, is that right?

A. There was.

Q. What was the discussion?

A. The only thing he said was, he wanted to know if I could identify literature of the IWW.

Q. What did you say?

A. I said I could.

[2504]

Q. Did he have literature with him?

A. No, sir.

Q. Do you have any knowledge of your own as to how Mr. Hollard came by the information that you had been in the IWW?

Mr. Del Guercio: If your Honor please, I object to that as having been asked and answered and on the further ground that it is immaterial either in this case or any other case.

Presiding Inspector: We are only interested in this case.

Mr. Del Guercio: Then what difference does it make how the information was obtained?

Presiding Inspector: I don't know.

Mr. Gladstein: Do you want the question read, your Honor?

Presiding Inspector: Yes.

(Testimony of Algia E. Reese.)

A. No, sir.

Presiding Inspector: I will take it. He says he has no knowledge. Before I ruled.

By Mr. Gladstein:

Q. On what note did that first conference end, Mr. Reese?

Mr. Del Guercio: I object to that, please, as being indefinite. "On what note."

Presiding Inspector: I think it has been asked before, not of this witness, but that kind of question "On what note". Of course, this man says he doesn't think, but that— [2505] I don't think he understands the question.

By Mr. Gladstein:

Q. Do you understand the question?

A. No.

Q. Then I will put it in a different way: Was there any arrangement between you and Mr. Holland at this first conversation for you to see him again?—

A. No, sir.

Q. Or for you to go to see somebody else?

A. No, sir.

Q. That was the end of it?

A. That was the end of it.

Q. When was the next time you saw anybody in connection with testifying here?

A. When I was subpoenaed.

Q. When was that?

A. The 21st of this month.

Q. And whom did you see at that time?

A. I don't know the gentleman's name.

(Testimony of Algia E. Reese.)

Q. Was there any conversation at that time?

A. None; just handed me the subpoena and told me to be here.

Q. Did he have any documents with him?

A. Yes, sir.

Q. What documents did he have? [2506]

A. He had his identification card.

Q. Did he have any publications of any kind with him? A. No, sir.

Q. All right. What happened after the 21st when you were subpoenaed? Did you come down here?

A. I did. I am here, aren't I?

Q. All right. When did you come down?

A. I came down last Wednesday morning.

Q. Whom did you see then, the first person you saw in connection with your testimony.

A. Well, I don't know the gentleman's name.

Q. Where did you see anybody?

A. 111 Sutter Street.

Q. And how many people were present at that time? A. I didn't count them.

Q. You don't know? A. No.

Q. You don't know whether it was one person or five or ten?

Mr. Del Guercio: If your Honor please, the witness has said he don't know. And what difference does it make whether there were a hundred present?

Presiding Inspector: I don't know.

(Testimony of Algia E. Reese.)

By Mr. Gladstein: [2507]

Q. Well, can you summarize briefly what took place up there? A. (No response.)

Q. Did they show you any documents at that time? A. Not at that time, no.

Q. When did they?

A. I think it was about last Friday.

Q. Last Friday. Where were you shown documents? A. In the office.

Q. The same office? A. Yes, sir.

Q. That is 111 Sutter Street?

A. 111 Sutter Street.

Q. Do you know who was present then?

A. No, sir.

Q. Or how many people were present?

A. I didn't count them.

Q. You didn't count them. Now, what publications or documents did they show you?

A. Well, it was a song book, membership book and that "Sab-Cat" and several others.

Q. And when they showed these documents to you what did they tell you about them?

A. They asked me if I could identify them.

Q. And what did you say?

A. I said I could. [2508]

Q. And what did they say then?

A. I think he sang a song.

Mr. Gladstein: What is that?

The Reporter: "I think he sang a song."

(Testimony of Algia E. Reese.)

By Mr. Gladstein:

Q. Who sang a song, Mr. Reese?

Q. Whom sang a song, Mr. Reese?

A. I did.

Q. You sang a song? A. Yes.

Q. What song did you sing?

Presiding Inspector: Do you remember?

The Witness: No, I don't.

By Mr. Gladstein:

Q. Was it one of the songs in the song book?

A. No.

Q. Haven't you any idea of what song you sang for them? A. No.

Mr. Del Guercio: What difference does it make what song he sang.

Presiding Inspector: I don't know.

Mr. Gladstein: I am trying to find out what happened and he said he sang songs. [2509]

Presiding Inspector: I think it is—

Mr. Del Guercio: (Interposing) Is that cross examination as to what songs the witness sung?

Presiding Inspector: I don't know. Mr. Gladstein thinks it is.

By Mr. Gladstein:

Q. What happened after you sang the song?

A. It didn't happen.

Q. What didn't happen?

A. What happened.

Presiding Inspector: Nothing happened. Go ahead. Ask the next question.

(Testimony of Algia E. Reese.)

By Mr. Gladstein:

Q. What do you mean?

Presiding Inspector: Oh, never mind! That was just persiflage. It was the kind of answer that you would expect to the question that you asked.

Mr. Gladstein: What was the question?

Presiding Inspector: And the way you asked it.

Mr. Gladstein: Let us hear the question.

Presiding Inspector: No. Go ahead. Ask something else.

By Mr. Gladstein:

Q. You mean you didn't sing a song at all, is that it?

Mr. Del Guercio: I object to that line of questioning. [2510] I think that counsel should cease along those lines.

Presiding Inspector: I rather think so, too, but he may go on. He is trying the case, not you or I. Go on, Mr. Gladstein.

By Mr. Gladstein:

Q. They asked you if you could identify certain books and you said you could. What happened as to that?

Mr. Del Guercio: As to what? I object to the question. Anything may have happened. Happened in connection with what.

Mr. Gladstein: In this conference.

By Mr. Gladstein:

Q. You understand that, don't you, Mr. Reese?

A. No, I don't know what you are getting at.

(Testimony of Algia E. Reese.)

Q. Well now, let us go back to the time you went up to 111 Sutter Street, not the first time but the second time, when documents were shown you. Do you have your mind on that occasion?

A. Yes.

Q. You have already mentioned the names of some of the documents they showed you. Correct?

A. Yes.

Q. And you said they asked you if you could identify them. Correct?

A. Correct. [2511]

A. And you said "Yes, I can"? A. Yes.

Q. Now, what did they say next?

Presiding Inspector: If they said anything.

By Mr. Gladstein:

Q. If anything.

A. Well, I suppose "You will have a chance to do so".

Q. Anything else happen then? A. No.

Q. Not a thing? A. No.

Mr. Del Guercio: Well!

Presiding Inspector: Is that all, Mr. Gladstein?

Mr. Gladstein: Perhaps so, your Honor. Just one second.

Presiding Inspector: Yes.

Mr. Gladstein: That is all, your Honor.

Presiding Inspector: Mr. Gladstein, did you in looking through this song book read this song on page—I have closed the book. Just a minute! Read that one. (The song book was passed to Mr. Gladstein.)

Mr. Gladstein: I haven't heard that one before.

(Testimony of Algia E. Reese.)

Presiding Inspector: Do you think that could be taken as advocating sabotage?

Mr. Grossman: I made the objection, your Honor, that a [2512] song could not be—

Presiding Inspector: (Interposing) I know. I believe I will receive the book in view of that song, on the distribution theory of literature. I hadn't read that song before. It is in a little different vein from the others.

(The book referred to was received in evidence and marked Government's Exhibit No. 259.)

Mr. Gladstein: That is all.

Mr. Del Guercio: That is all. May the witness be excused?

Presiding Inspector: Certainly. You are excused.

The Witness: Thank you.

(Witness excused.)

Mr. Del Guercio: Now, if the Court please, I have shown this to counsel before. I have an affidavit of Miss Ethel Mulleney, who at the present time is employed as booking agent for the Madison Square Garden Corporation at 307 West 49th Street, New York City and who was so employed in that capacity in the year 1929, and to this affidavit she attaches certain photostatic copies of leases and other documents in connection with the bookings of the Madison Square Garden, with particular reference to that rally held on December 16, I believe.

Presiding Inspector: Do you offer it?

1936. We do not, of course, have Miss Mulleney present. We could do so, but I thought to save time and money that the affidavit would serve that purpose. [2513] If counsel here for the Alien objects, why then, of course, we will produce Miss Mulleney to identify the documents.

Mr. Del Guercio: I offer it in evidence.

Presiding Inspector: What do you say, Mr. Gladstein?

Mr. Grossman: We are perfectly willing to agree to the introduction of affidavits in lieu of personal attendance on the part of evidence of the Government if they will agree that they will allow us to put in our evidence by affidavit, but to suggest that we should grant them that favor, which the rules don't allow incidentally, and then not grant us the same favor when we have much less money than they have available and our money comes directly from workers who can hardly afford it, it is asking too much. If they will agree that we can put in such evidence as will be a hardship for us to produce by individuals by affidavit, we will make the same agreement in this case.

Mr. Del Guercio: By this offer, your Honor, I had no intention to give counsel an opportunity to stand up and make a speech. In view of counsel's statement I withdraw the offer.

Presiding Inspector: Very well. That is finished.

Mr. Del Guercio: And ask, of course, that we be given an opportunity at a later time to bring in

Miss Mulleney and have her identify this document.

[2514]

Presiding Inspector: Yes. When you finally rest your case, cover it with the exception of the identification of this document.

Mr. Del Guercio: Yes. And now, if the Court please, I desire to introduce in evidence all of the Alien's statements against interest—instead of "statements against interest." I will say "admissions by the Alien against interest" in the former deportation hearing held here in San Francisco on August 19—I think it began on July 10, 1939 and continued for some time. I am offering all of the admissions on particular subjects, as follows: All of the Alien's admissions in connection with the Marine Workers Industrial Union; secondly, all of the Alien's testimony, admissions concerning his connections with the Waterfront Worker; all of the Alien's testimony, admissions of testimony in connection with the IWW, and the IWW; those four subjects.

Mr. Gladstein: Only three.

Mr. Del Guercio: Three only? Let's see. The Waterfront Worker, the Marine Workers Industrial Union, the IWW. I believe those three were all, your Honor.

Presiding Inspector: Have you got the pages?

[2515]

Mr. Del Guercio: Yes, I have.

On the IWW I refer to Volume 16—I believe counsel has a copy of that volume.

Mr. Gladstein: We don't have it here. We have

a copy at the office, of course. We have a copy of the transcript of the entire proceeding, but not here.

Mr. Del Guercio: Volume 16, page 2488.

Mr. Gladstein: 2488?

Mr. Del Guercio: That is right.

On this particular portion of the Alien's testimony on the IWW I refer to the following:

"By Mr. Schomaeker:

"Q. Did you ever belong to the"—

Addressing the question to the Alien.

Mr. Gladstein: (Interposing) May I interrupt to suggest this: Rather than have Mr. Del Guercio read these things into the record, we would like to have an opportunity to examine that which he intends to offer. It may be that what he intends to offer is incomplete and torn from the context. We don't know. So I would make the suggestion, if it is agreeable to your Honor, that Mr. Del Guercio announce those pages and those portions of the pages, simply saying "Starting with line 5 to line 8," whatever it may be, he wishes to introduce, and that we have an opportunity to examine these pages in order to formulate our legal position. [2516]

Would that be fair?

Presiding Inspector: What do you say to that, Mr. Del Guercio? He asks for you to announce the pages and then proceed with the matter after the noon recess.

Mr. Del Guercio: I don't believe I have any objection to that, your Honor. I would be glad to do it.

Presiding Inspector: Give him the pages. I think it will expedite the matter.

Mr. Del Guercio: All right. Volume 16, on the IWW, page 2488 and 2489.

I cannot give the lines because they are not numbered, unless I took the time to count them.

Presiding Inspector: I think that is enough.

Mr. Gladstein: That is all right.

Mr. Del Guercio: And also page 2525.

Mr. Gladstein: Same volume?

Mr. Del Guercio: Same volume.

There was another subject, your Honor—I know there were four—and that is regarding the Alien's admissions that he purchased Communist literature at a certain address in San Francisco, and that is contained in Volume 16, pages 2527, 2528, 2472. Volume 18, pages 3097; volume 16, page 2580; Volume 34, pages 5965, 5966, 5967; Volume 16, pages 2508, 2509, 2511, 2512; Volume 17, pages 2741 and 2742.

On the Waterfront Worker, Volume 18, pages 3065, 3073, [2517] 3074; Volume 17, pages 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2731, and 5953. That must refer to another volume. I don't have the number of it here. Then Volume 17, page 2703.

On the Marine Workers Industrial Union, Volume 16, pages 2617 to 2628, inclusive; Volume 16, pages 2489, 2607 to 2613, inclusive; Volume 18, page 3076; Volume 16, pages 2515, 2516, 2589, 2590, 2591; and Volume 17, page 2663.

Mr. Gladstein: There was one with reference to

Volume 18, a couple or so back, on the MWIU— will you repeat that page number?

Mr. Del Guercio: 3076.

With this offer, of course, if counsel objects to the introduction of that in this form it would be necessary to subpoena the reporter, who is present, and—

Presiding Inspector: I don't think that that is the point. Counsel merely wants to examine this and prepare to introduce the balance, or unfinished statements, or other statements perhaps that would have some bearing on the matter.

Mr. Del Guercio: We have no objection to introducing all the evidence on that particular subject. We have tried to do that but we may have missed some pages.

Presiding Inspector: They may find something.

Mr. Del Guercio: With the introduction of this in evidence the Government rests its case with this reservation: [2518] That upon the return of Major Schofield we desire to, of course, reopen the Government's case for the purpose of introducing his testimony.

Presiding Inspector: Yes. Do you also want to reserve the identification of those documents?

Mr. Del Guercio: Yes, those documents covering the rental of Madison Square Garden for that particular meeting.

Presiding Inspector: With these exceptions the Government rests its case.

What do you want to do?

Mr. Grossman: Your Honor, when we thought

this was imminent last night we gave some consideration to this question of beginning our case, and we have some matters we want to bring to your attention which you may not have considered in this light.

It appears, though we naturally could not anticipate whether it would be such or not, it appears that most of the witnesses that have appeared in this case on behalf of the Government have come from some distance. Tabling this we find the average has come from quite a distance to San Francisco. For example, there are one, two, three, four witnesses who are residents of New York City; there is one witness from Milwaukee; there was one witness from Port Arthur, Texas; there were approximately—I won't give the exact number though I have it—approximately three or four witnesses [2519] from Seattle, which is about a thousand miles, I think; there were two witnesses from Portland which, I think, is about 600 miles—I am just guessing; there were three or four witnesses from the vicinity of Los Angeles, which is 420 miles.

Now, although I am not stating that all of the witnesses of the defense will come from the same cities as the prosecution witnesses—obviously all of our witnesses, although we have not been able yet to determine the proportion, but a large number of our witnesses will, of necessity, be from the same cities as these witnesses.

You also must bear in mind that many of these alleged meetings took place in these various cities, as well as the witnesses living there.

~~That obviously requires bringing witnesses in many cases from those same cities.~~

It so happens that a transportation system has not yet been developed to the extent that we can transport people those distances in no time at all. Frankly, we do not intend, and I don't think, that the defense should be required, to transport our witnesses by airplane. Frankly, here is the result: We did not know until today when the Government was going to end its case. True, the newspapers reported that perhaps they would. Though we had no official notice, the newspapers reported perhaps Mr. Bridges would be put on the stand. Ob- [2520] viously, if that had been done we would have expected it would have taken two or three days. Mr. Del Guercio didn't give us any advance notice. All we knew was it might happen and we couldn't have prepared for that.

Mr. Del Guercio: (Interposing) I told Mr. Gladstein—

Presiding Inspector: You can correct him later.

Mr. Grossman: I am not accusing Mr. Del Guercio of misrepresenting it because anyone knows that you cannot tell in advance, or may not be able to tell when you are going to end.

I call your Honor's attention to the fact that we were once told by the Government they expected to end their case the middle of last week. We are not holding them to it.

I am saying on the basis of such a statement we cannot have our witnesses in San Francisco. If we had had them here they would have had to be

waiting four, five, six, seven days, and we can't be expected to do that.

Therefore, we had to wait until we were certain the case was ended. Obviously, we could not be expected to get in touch with our witnesses, assuming we could get in touch with all of them today, and state "You must leave the first thing in the morning." They have jobs they will have to report to in the morning, and it would take a day or two to do that. As a practical matter, we couldn't expect them to leave the first thing in the morning, though some may be able to leave tonight. [2521] As a practical matter, in the event that some witnesses could leave the first thing in the morning, considering these distances it would be, in some cases, four or five days before they could arrive. Then we would have to have some time to talk to them before they went on the stand; and in some cases it would take two or three days.

I call your Honor's attention to something else. I call your Honor's attention also to the fact that today we were presented with an amendment to the charge, which we are not in position to discuss now. We do not know how much and what type of work that will require. Obviously, when an additional ground has been given for deportation, which is in effect an amendment to the charge, it requires some preparation. Whether there will be witnesses or not I cannot state, but some preparation is necessary.

I also call your Honor's attention to the fact that when we were discussing in chambers the ques-

tion of briefs your Honor indicated that you wanted us to work as expeditiously as we could in the preparation of briefs. You requested us, and so far as possible we have complied with that, to as much as possible prepare our briefs as we were going along. We must recognize the fact that this detracts to some extent from the preparation of our witnesses to go on the stand because time spent in reviewing the record takes away from preparing witnesses, and lining up witnesses, and to the extent [2522] that we have done that it has slowed down our preparation of witnesses.

Now, considering all those facts that I have mentioned, the distance and the time that is necessarily involved, considering the preparation we have had to do in connection with our brief, considering the new charge that has been filed, considering all these things and considering your Honor's statement, which I know you are going to still except and will carry out, that no hardship will result and that enough time will be given to properly make an answer to this, renewing the reference to the fact that we started this case with no knowledge and we have had to prepare as the witnesses went on, considering all these facts, we consider, though we could use more time, we consider a reasonable time, considering all these facts, for us to begin our case will be next Monday and we, therefore, make that request, that we be permitted until next Monday to begin our case.

Presiding Inspector: I won't rule on that now. After lunch we will determine about this testi-

mony of Mr. Bridges that they have indicated they want to introduce these admissions, and then I will hear Mr. Del Guercio after that on your motion. Until that is done I won't make any ruling.

You haven't anything else in relation to this testimony, or anything else? [2523]

Mr. Del Guercio: There is one matter. The stenographic notes, Government's Exhibit No. 256 for identification, was not introduced in evidence. I believe—I may be mistaken—they were only offered for identification.

Presiding Inspector: You are referring to the stenographic notes?

Mr. Del Guercio: Yes.

Presiding Inspector: Do you want to offer them in evidence?

Mr. Del Guercio: Of course, having only been offered for identification counsel are not entitled to make any photostatic copies of the notes.

We have no objection to offering the notes in evidence with this admonition: That at no time are the notes to go out of the hands of the reporter.

Presiding Inspector: That is understood.

Mr. Del Guercio: And that care will be taken in preserving them.

Presiding Inspector: I will receive the stenographic notes.

The transcript the same way—was that offered?

Mr. Del Guercio: No. The transcript was only offered for identification. I don't believe they are entitled to it..

Presiding Inspector: It was only marked for identification? [2524]

Mr. Del Guercio: Yes.

Presiding Inspector: Don't you want to offer that?

Mr. Del Guercio: I don't believe so. I see no special reason for it.

Presiding Inspector: It was practically read into the record anyway.

Mr. Del Guercio: Yes.

Presiding Inspector: All right.

Mr. Del Guercio: I offer a photostatic copy of the stenographic notes.

Presiding Inspector: Received the same way as before.

(The photostatic copy of the stenographic notes referred to was received in evidence and marked Government's Exhibit No. 256.)

Mr. Grossman: We ask whether the ruling that you made that we would be permitted to have a photostatic copy made still applies to the transcription.

Presiding Inspector: You want the transcription too?

Mr. Grossman: Yes.

Presiding Inspector: Is there any objection to that?

Mr. Del Guercio: I don't believe that they are entitled to it. It has only been offered for identification.

Presiding Inspector: I don't see why they shouldn't have it.

Mr. Del Guercio: Is there any reason why they should?

Presiding Inspector: They want to spend some money on it. [2525]

Mr. Gladstein: It was used in the examination.

Presiding Inspector: It has been read into the record. I think you had better offer it in evidence.

Mr. Del Guercio: I will offer it in evidence.

Presiding Inspector: I will receive it.

(The document referred to was received in evidence and marked Government's Exhibit No. 255.)

Presiding Inspector: We will take a recess until 2:00 o'clock.

(Whereupon, at 12:05 P. M., a recess was taken until 2:00 P.M. of the same day.) [2526]

After Recess
2:00 O'clock P.M.

Presiding Inspector: Mr. Gladstein?

Mr. Gladstein: You asked us to confer during the recess and determine our position on the offer that Mr. Del Guercio made of certain pages of the transcript. We have glanced at some of those pages. We have not been able to read all of them.

Presiding Inspector: No.

Mr. Gladstein: We noticed this in our quick perusal: That is, that they touch on matters which are also discussed in other portions of the testimony of Mr. Bridges during the last trial.

For example—this is simply by way of illustration—some of the pages Mr. Del Guercio offers, in which there is a discussion of the Marine Workers Industrial Union, if taken by themselves, would not give the complete picture drawn by Mr. Bridges in the last hearing of the situation that obtained on the waterfront in San Francisco in 1934, showing the relationship of the Marine Workers Industrial Union to the longshoremen and to the strike and to the general situation.

Presiding Inspector: I thought probably that would be the situation.

Mr. Gladstein: So we would make this suggestion: We would suggest that in order to make the picture complete, and not have any of these pages torn from their context, the [2527] entire record of Mr. Bridges' testimony, both on direct and on cross examination, be introduced in this hearing think his testimony embraced a period of approximately, the benefit of that testimony.

I may say by way of brief description, that I think his testimony embraced a period of approximately three days, but they were three days which, I think, were shorter than three days in this hearing, and there were some recesses. But in any event there would be no more than three full days of testimony.

That is our position. I think, in fairness, that that should be the position of the Court.

Mr. Goodwin: May it please your Honor.—

Presiding Inspector (Interposing): Let me say

in answer to that, that if the counsel for the Government were to accept that suggestion, of course there is no objection on the part of the Presiding Inspector. But I wouldn't attempt to direct the counsel as to how they should present their case.

Mr. Gladstein: No.

Presiding Inspector: Any more than I would attempt to suggest how you should present your defense.

Mr. Gladstein: I understand.

Presiding Inspector: I am trying to keep the scales here as even as I can. [2528]

Mr. Gladstein: I understand, your Honor.

Mr. Del Guercio: I reject that offer on behalf of the Government.

Presiding Inspector: Very well, then. You may proceed as you wish to. That is, you may read those parts and you will be free to read any other parts bearing on the same subject in the entire examination of Mr. Bridges.

Mr. Gladstein: Well, could I make a suggestion then, simply by way of short cutting? It seems to me that any portions or the entire testimony of Mr. Bridges in the last hearing could well be incorporated by some kind of reference in this proceeding and that it would simply be a waste of time to have somebody read to this reporter pages from the transcript of the previous hearing, because I don't suppose there would be any question about the way in which they read. There might be some slight errors or mistakes. That happens in any long protracted hearing, but at least in general let

us assume that the pages of the transcript are correct. Rather than have them read into this record they could be incorporated by some kind of reference.

Presiding Inspector: Well,—

Mr. Del Guercio (Interposing): I also reject that offer, your Honor.

Presiding Inspector: Judge Goodwin?

Mr. Goodwin: Well, your Honor, may I make this sug- [2529] gestion? These excerpts are offered not as part of Mr. Bridges' testimony.

Presiding Inspector: I understand that.

Mr. Goodwin: They are offered as admissions by the defendant, and, as such, they are admissible. Now, in fairness, if there is some other part that refers to that same thing and in fairness that should go along with his admission, we have no objection to that being presented. But that should be regularly presented in exactly the same way that this has been presented and an opportunity given to us to object. If it does not relate to anything that is covered by the portion of the evidence we put in, we will not object to it.

Presiding Inspector: Well, go ahead, Mr. Del Guercio. There is no ruling I can make, Mr. Gladstein.

Mr. Gladstein: Well,—

Presiding Inspector (Interposing): There is no ruling that I can make.

Mr. Gladstein: There is only one suggestion that I have at this time, your Honor: I think it is one that you might well take into consideration. As I

say, we feel that in all probability that all of the testimony that Mr. Bridges gave in the last hearing would be relevant in this case, if any portions of his testimony are read into the record by Mr. Del [2530] Guercio. If it is your Honor's suggestion that we then at a later stage read in those portions which we feel should be added by way of supplementing the material already read into the record it may well be that we will be standing here and reading here tremendous portions of Mr. Bridges' testimony. I merely make that statement in advance, your Honor, because I think it would really be absurd for that to happen.

Mr. Del Guercio: Of course, that can't happen, in the first place. We are getting in certain portions of the testimony relating to certain fixed subjects and nothing else. That is all we are offering it for at this time. Now, we could proceed—

Presiding Inspector. (Interposing): Of course.

Mr. Del Guercio: Sir?

Presiding Inspector: Of course, Mr. Del Guercio, you will find when the counsel for the Alien begin to read that there will be differences of opinion between you as to whether other matters are related to what you produce. We will have to take those up when the time comes. Following the practice that I have pursued, and which I intend to pursue and which I will pursue on your behalf also when you come to correcting, amending, attacking, or otherwise treating evidence produced by the Alien, I shall rule liberally on the introduction of such testimony, and when you are on the cross ex-

aminig side I shall rule liberally in your favor.

[2531]

Mr. Del Guercio: We have two methods of approach here. We may, of course, call Mr. Bridges here on the stand.

Presiding Inspector: Oh, you are quite within your right.

Mr. Del Guercio: If that is what they have in mind, why, we will proceed in that manner.

Presiding Inspector: Oh, no. You are quite within your rights to proceed in the way that you suggest. I will receive your testimony.

Mr. Goodwin: I should guess that they might very well at the proper time submit a statement of the parts that they would like to have introduced in the evidence and let us do what they did today: Look them over.

Presiding Inspector: We will see about that when you reach it.

Go ahead, Mr. Del Guercio. I shall hear your testimony. [2532]

Mr. Grossman: Mr. Del Guercio naturally has the right to, I suppose, read this into the record, because we have adopted that policy, and we don't want to object to it; but we do wish to point out that it is my guess, at least, that reading all these pages that he has referred to will probably take half a day, and if any stipulation is needed that any pages correctly represent the record, we have no objection. We suggest you might consider the desirability of not reading at this time. And, of course, if he doesn't read we won't read when we introduce any-

thing, but merely offering for the record written copies of the record which we can stipulate to.

Now, we understand we cannot prevent, nor perhaps can you, him from reading these pages. It is a suggestion because it may save half a day of the Court's time and everyone's time.

Presiding Inspector: I think I will rule, as I have already suggested, that we will follow the practice that Mr. Del Guercio wishes.

On the other hand, when it comes to introducing other matter, subject to their objection and the ruling of the Court, we will adopt a similar practice and you may proceed as you see fit.

Proceed, Mr. Del Guercio.

Both sides are going to be treated alike.

Mr. Del Guercio: I will first start with the IWW, if your Honor please. Volume 16, page 2488, dated August 2, 1939. [2533]

Mr. Gladstein: What page?

Mr. Del Guercio: 2488.

This testimony was given by Mr. Bridges at that hearing, on Angel Island, San Francisco, California, August 2, 1939.

Presiding Inspector: If there is any mistake in reading you are perfectly at liberty to interrupt.

Mr. Gladstein: All right.

Mr. Del Guercio: By Mr. Shoemaker.

"Q. Did you ever belong to the I.W.W.?

"A. I took out a membership card once for a short time.

"Q. Where, please?

"A. In the south.

"Q. Whereabouts in the south?"

Continuing on page 2489:

"A. It was in New Orleans.

"Q. Do you recall when that was?

"A. I think that was during the seamen's strike.

"Q. What year was that, please?

"A. 1921.

"Q. Do you know what the aims and purposes of the I. W. W. were at that time?

"A. I wasn't very familiar with them. When I found out what they were I got out of it fast.

"Q. How long were you in?

"A. For a period of a few months, I think. I wasn't a [2534] very good member. It did not agree with my views."

Reading again now from page 2525, the second question from the bottom of the page:

"Q. I think you said a while ago that you had been a member of the I. W. W., or Industrial Workers of the World, for a short period.

"A. Right.

"Q. Do you know anything about the aims and purposes of that organization at that time?

"A. Well, I knew at that time, and not to any great extent. I found out after I was in a short while. I know what they are now. I disagreed with them.

"Q. Would you tell us what you thought the aims were at the time you joined it, and what you know about it?

"A. Well, their aims are syndicalistic, I think. They are more or less an Anarchist group. In other

words, they prate and carry on under a program of the extreme rank and file-ism, and all they succeed in doing is creating a lot of general disruption and bogging down the advance of labor generally under a cloak or a guise of democracy.

"I believe they are disruptive. I don't like their program. Instead of trying to explain it generally, I can give specific examples.

"We have, for example, in the Northwest still a lot of I. W. W.'s at the present time in the woods. They believe [2535] more in a program of direct action to settle every dispute instead of other types of action.

"Q. What do you mean by 'direct action'?

"A. Strikes. In other words, we believe in strikes, and we believe in direct action under the proper circumstances and at the proper time when it is the best thing to do. But there comes a time that you can go a little too far with direct action. The I. W. W. philosophy was never to sign an agreement, for example; never to arbitrate; never to mediate; never to consolidate. The reason that the I. W. W. was broken up was because they are a splendid fighting bunch up to a point. They gained many improvements and benefits for the people they represent, the workers generally, but they tried to carry on the same tactics and they didn't consolidate. They are absolutely opposed to any type of political action. The philosophy of the I. W. W. can generally be expressed that they are going to take over the means of production by economic measures.

"In other words, they propose that one of these

days everybody will be organized into industrial trade unions without any political activity whatsoever; and that at the proper time all the trade union workers will walk out of the factories and, I presume, in that way cause a collapse of the financial and general system, and that they will return and operate the factories themselves, and what-not."

[2536]

Mr. Gladstein: Mr. Del Guercio, I would like to ask you to go back to page 2526, a question at the top of the page. Does it read in your transcript, "Would you tell us what you thought the aims were at the time you joined it, and what you know now about it?"

Mr. Del Guercio: That is correct. Is that what I read?

Mr. Gladstein: I think you omitted the word "now".

Mr. Del Guercio: If I did, I did it inadvertently. Now, Mr. Bridges' testimony on the purchase and reading of Communist Party literature, Volume 16, page 2527: By Mr. Shoemaker.

"Q. Were you ever, so far as your recollection serves, at 37 Grove Street, San Francisco, when it was the headquarters of the Communist Party?

"A. No.

"Q. Did you ever know it was the headquarters of the Communist Party?

"A. I knew it; yes.

"Q. Would that number be correct?

"A. 37 Grove Street—I am familiar with it.

"Q. You have never been there in your life—

withdraw the question. That isn't exactly what I want to ask.

"Were you ever there when it was the headquarters of the Communist Party? [2537]

"A. Yes. I was going to correct that statement. At that time 37 Grove Street was also a big bookstore. I mean they used to sell Communist literature there, as well as other literature. I just happened to remember that in passing by there, or going directly there, I have dropped into purchase literature or pamphlets on a couple of occasions.

"I used to live up in that general direction, and lots of times I used to walk home from the waterfront, and I would say that outside of such visits as that there was no other visits."

Now reading from page 2528. I have some from both 2527 and 2526—continuing on page 2472 of the same volume, about the third question from the bottom of the page.

"By Mr. Shoemaker:

"Q. Do you receive at your home any literature pertaining to Communism?

"A. Well, when you say 'receive', do you mean. Do I receive it through the mail?

"Q. Yes; through the mail or any other wise.

"A. Sometimes I have, yes.

"Q. Do you make any yearly subscriptions to Communist papers."

Continuing on page 2473:

"A. I do not.

"Q. Have you ever in the past made any?

"A. I have. I have subscribed to the Daily Worker and [2538] I subscribed to the Western Worker.

"Q. Any other papers?

"A. That is all.

"Q. Do you subscribe to the—what was that first paper?

"A. The Daily Worker.

"Q. (Continuing): —the Daily Worker now?

"A. No, not now. I read it. Our office has a subscription and I read it."

Now Volume 18, page 3097, on that same subject of Communist literature, the second question from the top of the page.

By Mr. Gladstein.

"Q. Now, you testified that you used to subscribe to the Daily Worker and the Western Worker, and that your office now does subscribe to those newspapers. Can you tell us why?

"A. I subscribed personally to the Daily Worker and the Western Worker. At that time, in 1934 and 1935—I think the press has undergone quite a change. The metropolitan press, daily press, realizes that labor news today is news and they carry statements from a trade union. But it was practically an unheard of thing in 1934 and 1935 for any metropolitan daily to carry a true statement of any union dispute, or any publicity statement released by a union. They would print their own distorted, biased stories. I cannot recall; ex-

cept possibly the New York Times, where there was any amount of labor news printed. The only paper [2439] at that time you could get any labor news out of was a labor paper, or the Daily Worker, or the Western Worker. I subscribed to those.

"The thing is still more or less correct today. If you want to find labor news from all over the country you don't buy the Hearst papers, or any other metropolitan daily. You buy a labor daily and a labor paper."

Now, going back to Volume 16, page 2580, on the same subject, the purchase of Communist literature, and beginning with the second question from the top of the page.

By Mr. Shoemaker:

Q. Do you know Lawrence Ross?

A. Lawrence Ross?

Q. Yes. A. Yes.

Q. Is he a member of the Communist Party?

A. Yes.

Q. Do you recall when you first met him?

A. Yes.

Q. When was it, please?

A. 1934. Ross was the leader of the delegation that came down to our strike headquarters and appeared before the strike committees on the occasion that I have already spoken about. He was one of the delegation that proposed that the union accept the help of the Western Worker as their official [2540] papers. I think he was the editor of the Western Worker at that time." [2541]

Now, on the same subject I go to Volume 34, page 5965, the last question on that page, question by Mr. Shoemaker:

"Q. I think you testified also, when you were on the stand before, with regard to Lawrence Ross—~~page 2580~~ of the transcript—that you met Lawrence Ross during the 1934 strike?

"A. Yes.

"Q: Do you recall where it was that you met him?

"A. He came down in connection with an offer of the Communist Party to make available the Western Worker to us.

"Q. Came down from where?

"A. To the strike headquarters, the I. L. A. strike headquarters. They offered to put out a special daily bulletin through the Western Worker carrying strike news. That offer was afterwards accepted and approved. My first recollection of Ross was being a member of that delegation with Hanoff and somebody else.

"Q. Did you have anything to do with the acceptance of that offer?

"A. Do you mean did I favor it?

"Q. Yes. Did you have anything to do with the acceptance of it? I mean by that, did you accept it yourself or did you—

"A. (Interrupting): It was accepted and officially approved by our strike committee. If you mean did I favor the acceptance of it, I certainly did." [2542]

Continuing on page 5967:

"Q. Were you on the strike committee?

"A. I was Chairman of the Strike Committee. That was the only source—we had two papers of that sort, one being the Catholic Leader and the other the Western Worker.

"Q. Did you advocate the acceptance of that offer to the members of the Strike Committee?

"A. Certainly I advocated that, and also the other paper.

"Q. With regard to Lawrence Ross, do you recall where it was that you met him here in San Francisco, when you first met him here in San Francisco, when you first met him?

"A. That first time?

"Q. Yes.

"A. At the strike headquarters, as far as I remember.

"Q. Do you recall whether he was connected with the Western Worker then or not?

"A. I think he was. I am not quite sure, but I think he was the editor, or definitely connected with the Western Worker.

"Q. You don't recall what month it was in 1934, do you, that you met him?

"A. May. It was after the strike broke out. The strike took place May 9. This was very shortly afterwards, as I recall it.

"Q. How frequently then did you see him, do you recall, [2543] during the strike period?"

And continuing on page 5968:

"A. Off and on. I don't recall how many times."

Now, going to Volume 16, page 2508, beginning with the first question at the top of the page.

By Mr. Shoemaker.

"Q. Will you tell us the circumstances under which it was decided to use the Western Worker as the official organ of the strike committee?

"A. Well, very simple. The strike broke out. We had no funds. We started the strike with \$300 in the treasury, and the press—all the press predicted that we would be licked in two days, that we would be driven back to work broken and worse off than when we started.

"All the press predicted dire happenings and foolish leadership and predicted that this was not the way to handle the affairs; that we should have taken the offer which had been offered to us, which meant nothing at all. It would have meant the end of our union.

"The entire press was hostile, much worse than it is today—and it is bad enough today. Therefore, in the middle of all this or the beginning of all this, there was only one labor paper that sponsored us in any way in so far as the strike issues were concerned.

"There was another a little later, but the Western [2544] Worker printed the official releases from the strike committee, which the other papers did not. All they printed was the official releases from the employer. Because the workers knew that they could get the Western Worker and read their own official releases and the true story, they became somewhat in support of the Western Worker and

then, inasmuch as we had no funds or any other facilities, when we got an offer of this particular paper that had printing presses and what-not, to print an official daily strike bulletin carrying the news of the strike down to not only our own members, but to the members of the other unions, it was eagerly and officially accepted and appreciated.

"Q. What do you mean by 'officially accepted'?"

"A. Passed by the strike committee and ultimately approved by the membership of the union in its regular meeting."

"Q. Did you get up any of the releases?"

"A. Did I get out any of the releases? We had a publicity committee.

"Q. Did you have anything to do with any of the releases at all yourself?"

"A. Oh, undoubtedly I did. I was the chairman of the strike committee and, as such, ex-officio member or chairman of each committee and each sub-committee. In many of the cases the releases that were prepared were prepared under my direction and with my help. [2545]

"Q. Do you know about how many times you would do that?"

"A. I can't say. That was only in the very early days of the strike. After a while the publicity committee that was charged with the duty of getting out releases functioned efficiently and did not need any further assistance or supervision from me."

Continuing on page 2511.

"Trial Examiner Landis: Before you leave that

question, Mr. Shoemaker, was the Western Worker then an organ of the Communist Party?

"The Witness: The official organ of the Communist Party of the West Coast, I believe.

"Trial Examiner Landis: At this time?

"The Witness: In 1934, yes.

"Trial Examiner Landis: When you say that you 'officially adopted' it as your organ, what does that mean?

"The Witness: I think the editor of the Western Worker, a delegation of three Communist officials, including, as I remember, the editor of the Western Worker, wrote us a letter saying that they had—wrote the strike committee a letter saying that they had a proposition that they would submit to the union, and if it was approved by the union they would be glad to carry through.

"The proposition was that, inasmuch as we were badly in need of media of publicity for releases, not only for the [2546] strikers, but other trade unions, that they would print a daily special bulletin. It wasn't exactly a full paper."

Mr. Gladstein: (Interposing) "full paper?"

Mr. Del Guercio: Yes.

(Continuing) "It was like a one sheet of the Western Worker that was solely given to strike news and the reports of various happenings of the strike. This would be done daily at no cost to the union."

Turning to the next page, 2512, and continuing.

"Trial Examiner Landis: In return for what?

"The Witness: In return for nothing.

"Trial Examiner Landis: For nothing?

"The Witness: They wanted to see us win the strike, I presume. That is all they ever got out of it.

"Trial Examiner Landis: They would do it without any notice to you, or it must be in return for furnishing them with news or in return for suggestion to your members that they should subscribe to the Western Worker, or something of that nature?

"The Witness: I believe undoubtedly that that is true; that by doing this, by demonstrating to the trade unions on strike that they would create a lot of sympathy and support for their paper. Undoubtedly they would be able to carry on a drive for subscriptions. At that time I urged subscriptions to the Western Worker myself." [2547]

"Trial Examiner Landis: Did the union ever subsidize the Western Worker?

"The Witness: I think that was brought up in the testimony once. I know that it came up before the union. As to whether the union was to subsidize them or give a donation to them—

"Trial Examiner Landis: Yes, that is what I mean.

"The Witness: As to whether that motion was passed or not, I don't know; but I know it was on the union floor asking for a donation."

Continuing at Volume 17, page 2741, beginning with the first question of Mr. Shoemaker on page 2741.

"Q. I think, Mr. Bridges, the other day—you recall you made a speech down at Cleveland?

"A. At where?

"Q. Cleveland; is that correct?

"A. Cleveland? I have never made a speech at Cleveland as far as I know, in my life.

"(Whereupon a certain photostatic document was handed to the witness by Mr. Shoemaker.)

"The Witness: That picture (indicating) is Cleveland. This article deals with—I think the article refers to New York.

"By Mr. Shoemaker:

"Q. That is where this picture was made? Read it and see.

"A. I will have to read it. Do you refer to this state- [2548] ment here (indicating)?

"Q. Yes.

"A. That wasn't a speech; that was possibly a statement to the press, as I understand it; and as I read it there I believe generally that it is more or less an accurate statement.

"Q. Inaccurate?

"A. An accurate statement. I think it said quoted in the Daily Worker, so that is what makes me think it is accurate.

"Q. Are you always satisfied with the quotations from the Daily Worker?

"A. I mean, compared with some of the other press we are familiar with, I put my faith with the Daily Worker as far as accuracy is concerned. Its policies are another thing."

Now, the next subject has to do with the Waterfront Worker. The first reference is Volume 18,

page 3065, the second question from the bottom of the page:

“Q. (By Mrs. Carol King): When did the men start to organize a union which was not a company union?

“A. There was more than one attempt to break away from the company union.

“In 1928, for example, the American Federation of Labor approached the longshoremen with a proposition that they would give a charter to the company union and they asked us to take [2549] a vote. The various labor officials at that time were in favor of it. Paul Scharanberg, the Secretary of the State Federation of Labor, and John O’Connell, of the San Francisco Labor Council, and that group, they were in favor of chartering the company union.

“The men didn’t want it. A group of us agitated against having this company union given an A. F. of L. charter because it kept the same constitution, the same officials, and we knew the same tie-up with the employers. That was just another move to gloss it over with a veneer of bona fide unionism.

“After that there was no real attempt to organize until the M. W. I. U. came around in 1930 or 1931. The I. W. W. was around there for a while. But neither of those groups was accepted to any degree by any amount of the working longshoremen on the waterfront.

“There was really no start toward real organization until September, 1932, when we started our

waterfront paper. The waterfront paper generally dealt with the ills of the longshoremen. In other words, these various straw bosses, or gang foremen along the waterfront, who we used to call slave drivers, they were written up in the paper in their various habits. The paper immediately found wide support among the longshoremen.

"Then, of course, we had no set plan. All we used to [2550] say in the paper was 'to organize'".

Continuing on page 3073, the last question on the bottom of that page, a question by Mrs. Carol King.

"Q. Now, all the time the Waterfront Worker was running along, is that correct?

"A. That is right.

"Q. And was it the first organ of the men on strike?

"A. That is right.

"Q. The only organ they had?

"A. Yes.

"Trial Examiner Landis: I didn't get that question.

"Miss King: I asked whether the Waterfront Worker was the only organ of the men on strike.

"The Witness: That is right. At that time it was more or less officially adopted by the men. I think it would be after the strike, or before the strike, it would be more or less officially adopted by the men in the union, because they started to take up collections for it and they collected a fund of around \$500 that they turned over to the Waterfront Worker, and that was invested in typewriters and mimeograph machines for the full report being made in the paper.

"By Miss King:

"Q. Outside of the funds the men raised themselves, did they get any financial support from anyone?

"A. All the funds for that paper came from the contribu- [2551] tions we put in ourselves. We used to sell the paper for 2 cents, but lots of the men would say, 'Well, here is 5 cents, or 10 cents,' and later on, as I say, we voluntarily took up a collection in all the waterfronts, various gangs, and I think it amounted to \$500."

Now, going to Volume 17, page 2720 on the same subject, the Waterfront Worker, beginning with the third question from the top of the page, question by Mr. Shoemaker:

"Q. Who controlled the publication of the Waterfront Worker?

"A. The men on the waterfront.

"Q. Do you know who, for instance, was editor?

"A. Well, I guess it doesn't hurt to say now. It was pretty dangerous at that time. I think that there were eight editors. I was one of them.

"Q. You were?

"A. Yes.

"Q. Who else?

"A. Schmidt was another one. ~~Schomaker~~ was another one—there were four or five more but I forget their names off-hand.

"Q. How long were you editor?

"A. From the very start of it. I started it.

"Q. How long ago? [2552]

"A. It was first the M. W. I. U. publication. The M. W. I. U. tried to make it go on the waterfront. It didn't go over at all. I knew it wouldn't go over. So when they quit publishing it we started up in exactly the same way and we made it go.

"Q. I don't know as I correctly understand you. You say you started it. It had been going before you got control of it, is that the idea?

"A. It had been going, the paper was published by the M. W. I. U., and then they stopped it.

"Q. Do you know for how long a period it was not published, that is, between the time they stopped and the time you began?

"A. About five or six weeks.

"Q. And then you took it over?

"A. We started it up separate and apart and independent from the M. W. I. U. It was published by a bunch of us on the waterfront.

"Q. You were editor? You say you started it?

"A. There was no specific editor. Everybody edited it.

"Q. Everybody edited it?

"A. Well, everybody did.

"Q. You mean everybody wrote pieces for it?

"A. It was a democratic paper, in other words.

"Q. I don't suppose the Immigration boys got in on that? [2553]

"A. The Immigration boys?

"Q. If it was a democratic paper—in any event, did it continue to be known as the Waterfront Worker?

"A. Yes.

"Q. When you took it over?

"A. Yes—for quite a while it kept the same name, except we changed the *name* of who it was put out by. After the M. W. I. U. discontinued it for a few weeks why we got the idea—of course, I had spoken to them. They had told me about it, that they were not going to print the paper any more, and I asked, 'Why not?' Well, they couldn't make enough money to afford to have it printed. It was dependent on the funds they received from the sale of it and what-not.

"Q. So they said—

Mr. Gladstein: That is not a question.

Mr. Del Guercio: No. That is the same answer: part of the same answer.

"So they said they weren't going to continue it and then we took it over as I have said.

"Q. Do you recall when you took it over?

"A. September 1932; I think either September or October 1932.

"Q. Would that be the first part of September?

"A. That is pretty hard to recall. [2554]

"Q. Had Jackson been editor of that paper before that?

"A. I think, if he was not editor, he was very closely connected with it.

"Q. Was he editor of it after you took it over?

"A. He had nothing to do with it after we took it over. I recall I would meet Jackson on the waterfront and he tried to suggest some ideas, but it was pretty much of a joke. We pointed out that

they had their chance, and couldn't make it go, and that we were making it a waterfront paper, which it finally became, and we never accepted any advice. The success of the paper was that it was written by working longshoremen on the job and edited by them, and put out by them.

"Q. Did you pay anything to the M. W. I. U. for it?

"A. Not a thing.

"Q. What press did you use?

"A. A mimeograph machine.

"Q. Did you buy the mimeograph machine?

"A. We bought it.

"Q. From the M. W. I. U.?

"A. No. We put up the money ourselves to buy it. We rented it first and later on we bought it outright.

"Q. Did you give a post office box on it?

"A. We did.

"Q. Do you recall what it was?

"A. No. [2555]

"Q. Do you know in whose name it was put out?

"A. It was put out by a group of longshoremen in the local union. It was not advisable by any means to put our names on it at that time. Afterwards, however, afterwards it generally became known who was publishing it and who was behind the paper.

"Q. And who was it—you mean your organization?

"A. They knew I had a big finger in it, and

they knew that Schmidt, and the rest of us on the waterfront that had been pretty active in all the affairs of the union, had a lot to do with it. Of course, we denied it at that time. It wasn't advisable to admit it. It was more than our jobs were worth. We would have been kicked off the waterfront by the shipowners. The employers would have paid one million dollars to have found out who was behind that paper as of that time."

Continuing on page 2725 of the same Volume:

"Q. Did you write any articles for it?

"A. Plenty of them.

"Q. Do you have any copies of it?

"A. I have.

"Q. Will you give us some of the—

"A. (Interrupting) I will pick out the copies I can get. I haven't any. Somewhere there is a full file of it. I think one of the fellows has a full file. I do have some loose copies in my office and I will get them all and bring [2556] them along.

"Q. Will you enumerate the articles you wrote?

"A. That would be impossible.

"Q. Some of them.

"A. I wrote articles dealing with, analyzing, for example, the decision of the conventions, analyzing the strategy that should be used on the waterfront, analyzing and advising, or putting forth a program in regard to something that was taking place. I distinctly remember at the time the tendency towards direct action at all times, instead of beginning to utilize the agreements we had secured. Many things like that I wrote articles

on. In other words, general policy, and general strategy, and my idea as to what should be followed.

"Q. Did anyone edit the articles that went in there before they were put out?

"A. No; they went in as they were.

"Q. Nobody took any responsibility for them?

"A. The only people that edited them were the people that were working longshoremen on the waterfront.

"Q. Did you ever edit any of them?

"A. If you will look at the paper I think it is kind of noticeable.

"Q. I have read none of them. [2557]

"Mr. Gladstein: I was going to suggest that you probably could get a full file of those from the San Francisco Industrial Association.

"The Witness: They were on the mailing list.

"By Mr. Shoemaker:

"Q. Who are they?

"A. The San Francisco Industrial Association was—

"Trial Examiner Landis: I think there is already testimony in the record as to who they are. I think Mr. Bridges testified yesterday as to who they were.

"The Witness: Right.

"Mr. Shoemaker: I missed it, your Honor.

"By Mr. Shoemaker:

"Q. How long did you continue to run that paper, the Waterfront Worker?

"A. I have forgotten. I think it went out of

business, or we put it out of business, is the proper term, around the spring or early summer of 1936.

"Q. From 1932 to 1936?

"A. Right.

"Q. Was it succeeded by any other paper?

"A. No. We put it out of circulation. It was my idea. There was a lot of opposition, especially among the men on the waterfront, and among a lot of people that had been [2558] with it since it started. It was my idea that it should be put out of business. It had served its purpose. It was a bulletin that had been carried on and, as I say, it was more or less anonymous. The only excuse for its being anonymous was the threat of the blacklist and reprisals from the employers, or the reactionary union leaders. When that threat had disappeared there were only two things to do with that bulletin: To put it out of existence, or to come out and publish the names of the people behind it. I was in favor of doing the latter. However, it was eventually decided that the thing would be put out of existence and that was done.

"Q. If it were anonymous itself, Mr. Bridges, it could have been regarded as a threat on the other side, you see. You can understand that?

"A. How do you mean?

"Q. There was no responsibility attached to the paper, as I understand it. Am I correct? No one knew who was publishing it. No names appeared in it, as I understand it, is that correct?

"A. That is not correct. It became general

knowledge on the waterfront among the men who was publishing that bulletin.

"Q. Did anybody outside the waterfront know it?

"A. Yes. I am pretty sure that the police department and the Industrial Association, and all such groups, knew it. [2559] I am pretty sure they knew it. But it was a question of having a waterfront rank and file paper.

"Q. Did Harry Jackson ever take that paper over after you got into it at all?

"A. No. Some time afterwards an official paper of the Communist Party appeared on the waterfront called the Maritime Worker.

"Q. I have seen that."

Continuing on page 2729:

"A. That was some time afterwards, as far as I know. Oh, I think that—no, I think that paper appeared before the Waterfront Worker went out of business.

"Q. The paper was just about the same size, wasn't it?

"A. Just about.

"Q. Do you know who put that out? The Communist Party?

"A. The Communist Party. I think I have seen copies of it; the Waterfront Section of the Communist Party.

"Q. Did you ever write any articles for that?

"A. Never.

"Q. Did you ever read it?

"A. Yes.

"Q. Was it conducted in the interests of union labor, or in the interests of the Communist Party?

"A. It was more—dealt more with, political questions [2560] than it did with trade unions.

"Q. I didn't get that.

"A. I say, it dealt with wider and broader issues more than it did with waterfront or trade unions, as I recall the last copy I have seen. For example, the greater part of the paper was taken up with the international situation, the question of an embargo on scrap iron and munitions to Japan, the question of the position of Russia in the international arena, and the matter of the grabbing of various democracies over there. It had a line like that. I recollect that because there was more of that in there than there was questions directly relating to the unions on the waterfront.

"Q. Well, the Waterfront Worker was a successor to the Maritime Worker, is that correct?

"A. No, that is not correct.

"Q. Well, the Maritime Worker, then, preceded the publication of the Waterfront Worker, is that correct?

"A. I don't—I am not sure.

"Q. It may have and it may have not?

"A. It may have started before the Waterfront Worker went out of business, or it may have started afterwards. I am not sure.

"Q. Well, it didn't run concurrently, did they?

"A. You mean that the Waterfront Worker finished and the other one started?

"Q. No, I mean they didn't run at the same time, the [2561] two papers, did they?

"A. I think they did. I might be mistaken on that, but I have got an impression that the Maritime Worker was being issued at the same time as the Waterfront Worker.

"Q. You didn't have anything to do with the Maritime Worker, did you?

"A. No. Towards the last I had nothing to do with the Waterfront Worker, to any great extent."

Continuing on page 2731:

"Q. Did you read it?

"A. Yes, religiously.

"Q. Did you prepare any article for it?

"A. Yes, I would write articles and send them in.

"Q. Were they published?

"A. They generally were."

Now, going to Volume 34, page 5952——

Mr. Gladstein: (Interposing). 59 what?

Mr. Del Guercio: 52. This is a question by Mr. Shoemaker, the first question at the top of the page:

"Q. Do you know how long the Waterfront Worker had been running at the time when you first took it over?

"A. Not very long. It is pretty hard to remember. If I recall, we took it over around September or October 1932, or it was running then and we took it over later. I can't [2562] set the exact time. I would have to get the original issues and check it up.

"Q. I think you said, Mr. Bridges, in your prior testimony, about September 1932. Something like that. But the point I want to know is about how long it had been running prior to that time.

"A. I can't remember. Maybe a month or two. My first recollection of ever seeing it was September of 1932.

"Q. Did they have a Post Office box?

"A. Yes.

"Q. After you took it over, did you people take the same Post Office box?

"A. I don't know if we took the same Post Office box or got another one. We used the same method.

"Q. You what?

"A. We used the same method. We used the Post Office box the same way. It was an anonymous paper. I don't recall whether we used their box or took over another box.

"Q. I think you said in your testimony that you would bring copies of it that you had in your office. Did you bring them?

"A. I have had quite a time getting them. I have a few copies, but I was especially looking for copies you are after there: the early copies, and to acquire that you would have to [2563] have a full file. Now, there is a file in existence, and I have been chasing it down and have been unable to make contact. I can bring over a dozen copies, but they are scattered dates and they are along in 1936, and I thought it would be much better

if I could bring the original copies from the day it started.

"I can still bring the copies, if you wish, them; I can still bring what copies I have.

"Q. Well, I wanted to get some of the articles you wrote in that Western Worker, that you recall distinctly yourself.

"A. I think I could pick out some of the articles.

"Mr. Grossman: You mean the Waterfront Worker?

"Mr. Shoemaker: Yes.

"The Witness: I think I could pick out some of the articles I wrote.

"By Mr. Shoemaker:

"Q. And you will bring them to the hearing? Strike that last question.

Mr. Gladstein: It ends with "I think I could pick out some of the articles I wrote."?

Mr. Del Guercio: Yes, ending with "I think I could pick out some of the articles I wrote".

Turning to Volume 17, page 2703, the third question from the top of the page, a question by Mr. Shoemaker: [2564]

"Q. Did you ever use Herman Mann as a messenger to contact Walter Lambert, Sam Darcy?

"A. I have used Herman Mann as a private investigator——"

I only want the first question and answer on that point, the question by Mr. Shoemaker:

~~"Q. Did you ever use Herman Mann as a~~

messenger to contact Walter Lambert, Sam Darcy?

"A. I have used Herman Mann as a private investigator——"

Mr. Gladstein: Just the one question and answer, Mr. Del Guercio:

Mr. Del Guercio: Yes. Now, the next subject is regarding the Marine Workers Industrial Union, beginning first reading from Volume 16, page 2617, the first question at the top of the page:

"By Mr. Shoemaker:

"Q. Mr. Bridges, did you ever see a membership book of the M.W.I.U.?

"A. Yes.

"Q. Will you look that over and tell me what that is?

"A. Yes, this is a membership book.

"Q. I just want to read you a little bit out of the preamble of this book, Mr. Bridges.

"The Marine Workers' Industrial Union is organized to unite all workers in the marine industry and lead them in their struggles against the employers for better work- [2565] ing and living conditions and for the ultimate freedom from wage slavery. This fight between the marine workers and the shipowners, bosses, et cetera, is only one front of the class struggle which rages ceaselessly between the whole working class and the whole class of employers—the capitalists. Victory in this struggle can be won only by the most relentless, militant, and revolutionary struggle for the whole working class."

"I won't read it all.

"While striving constantly for the immediate betterment of all living and working conditions of the marine workers, the M.W.I.U. does not limit itself to immediate economic demands alone, but declares that the liberation of the marine workers from exploitation is only part of the revolutionary struggle of the whole working class against the capitalist system.

"The M.W.I.U. urges upon all its members the most active participation in the general struggles of the working class, economical and political, directed toward the goal of the establishment of a revolutionary workers' government."

"You, of course, heard what I have read. What is your construction of what I have read? Does that mean anything to you?

"A. Not particularly. [2566]

"Q. That does not make any impression upon you?

"A. It doesn't seem very practical to me.

"Q. Does it sound communistic to you?

"A. I would say it sounds revolutionary.

"Q. What do you mean by revolutionary?"

"A. Well, I think it speaks for itself.

"Q. No, that does not necessarily speak for itself.

"A. I will give you my impressions, then.

"Q. Go ahead.

"A. Here you have an organization that is a trade union and, as such—and, as I believe it should be—should be primarily interested in the improve-

ment of the conditions of the workers. When it goes further and, separate and apart from those particular troubles that it has, it goes onto a program that becomes more a program of theory than a program of practical application in so far as improving the workers' conditions are concerned. I think that that is something that is way in the future. We have too much trouble at the present time even getting a few wage increases to spend any time upon that particular front.

"Q. Do the words 'victory in this struggle can be won only by the most relentless, militant and revolutionary struggle of the whole working class', mean anything to you in so far as the taking, for instance, of property by force or taking anything by force is concerned? [2567]

"A. I don't know. I wouldn't know that.

"Q. Would you place any construction of that kind on those words?

"A. Well, I think if you took—I don't know what the whole preamble is there. I know that that was the book.

"Q. You can read it, if you want to.

"A. You can read the whole thing and with a chance to analyze it, I could place my own construction on it.

"Q. Would you read it and place your construction on it?

"A. The preamble says:

"This fight between the marine workers and the shipowners, bosses, et cetera, is only one front of the class struggle which rages ceaselessly between

the whole working class and the whole class of employers—the capitalists.

“I think, generally speaking, that is correct. That, as far as you fight for our economic demands is concerned, you can't let it go at that, but because it has been our experience that when you win things through economic struggle the employing groups immediately move to take them away from you through legislation, and such things as that. Therefore, I certainly agree in that respect.

“As far as ‘victory in this struggle can only be won by the most relentless, militant and revolutionary struggle of the whole working class’, I don't agree. We have won a couple of things in our trade unions and we didn't have to go through a relentless and militant struggle of the whole working class. [2568] We had to fight some of the working class, as a matter of fact.

“So, from the light of what I know by practical experience, I don't agree with that.

“Q. Does ‘revolutionary’ in your judgment, include the use of force?

“A. No. It depends, I say, on the circumstances.

“Q. In the advocacy there of a certain thing, does it mean the use of force?

“A. I wouldn't think so.

“Q. Go ahead.

“A. I am looking at that as a Marine Workers Industrial Union, which I took it, was a trade union. I advised many people to join this union, and lots of times they used to say, ‘Look at that there!’.

"I said, 'Listen! The way you change it is by joining the union. You can't change it by not joining the union. The way to change it is by joining the union. That is very easily done. You are joining a trade union organization, you can change it.'

"That's the way I used to argue on those things. I didn't believe in this, and when I advised that they join this union and they raised that objection, that was my answer to them, and I say that the same thing is still true.

"Where it goes on to say, 'For this reason the M.W.I.U. [2569] does not limit itself to narrow craft interests in the matter of the A. F. of L. Unions, but considers itself always as an integral division of the forces of the working class,' I would say that is correct. It is just a statement of fact.

"'It rejects and condemns the treacherous 'class-collaboration' policy of the A. F. of L. which seeks to delude the workers into believing that it is possible for them to live 'in peace' with the capitalists, and betrays them into surrendering their organizations to the control of their employers.'

"That is only partly true and partly untrue. Our unions practice what can generally be termed as 'class collaboration,' and we find that many of those forces that are linked up with the employers attack us from the left because they attack us as selling out the workers because we practice class-collaboration. There have been people testify in this hearing that are lined up with those forces where we are not attacked as militants or progressives.

We are attacked as reactionaries and attacked from the left, and we are attacked because we believe in arbitration, believe in collective bargaining, and such things as that.

“Q. What part of that latter would you say was true and what part of it was untrue?”

“A. The refusal to narrow its organizational activities to craft set-ups and to move along industrial lines is correct. It is our policy, the policy of the Union I belong to, the [2570] policy of the CIO, to reject and condemn the treacherous class collaboration policy of the A. F. of L.

“That, taken as a flat, general statement, I would say, is untrue and incorrect and would not receive our support. It is true that the class collaboration program can go to the point where workers can be misled and the employers to take over their unions, and we have all too many such unions in the country today. Therefore, we have the struggle between the CIO and the A. F. of L. But it is only partly true, and I do not believe that class collaboration can be condemned in a flat, general statement such as this.

“You can read on and say: ‘While striving constantly for the immediate betterment of all living and working conditions of the marine workers, the M.W.I.U. does not limit itself to immediate economic demands alone.’

“That’s quite proper, I think, and practical. There are other things besides just wages, hours, and working conditions. There is the question of democracy, civil liberties; there is the question of

the persecution of racial groups in other lands. They are all our business, and we definitely and are actively conscious of it. I believe they are correct, in my opinion, if that is what they mean in that respect.

But declares that the liberation of the marine workers from exploitation is only one part of the revolutionary struggle of the whole working class against the capitalist system. [2571]

"I would assume that that is correct, that the liberation of marine workers or any other type of workers from exploitation is only one part of any struggle of the whole working class. However, when it becomes a question of, say, the whole working class against the capitalist system I think I would say that is correct, too.

"Regardless of whether we like it or not, there is a struggle against the present system. If that's regarded as a struggle against the present Government, I think it is incorrect. But the present system of exploitation, the present profits system, it is something that is here. We can't ignore it. When people point it out in words it doesn't do any good to hide your face and say, 'We don't want anything to do with it' because it is something we have to face, and that struggle is here and going on.

"I think a statement like that, 'That the struggle of the whole working class against the capitalist system', is only one part of the struggle against the whole capitalist system. I think that is a statement of fact.

"The M.W.I.U. urges upon all its members the most active participation in the general struggles of the working class, economic, and political."

"I think that part of the statement is correct."

"However, when you get down to 'directed toward the goal of the establishment of a revolutionary workers' government,' [2572] I will say that that takes further analysis and explanation. It is the method that you are going to use, then, that we have to go into. If this means the establishment of a revolutionary workers' government by force of arms, especially against a democracy, I would not believe in it or support it and would be absolutely opposed to it. If they mean; however, the establishment of a revolutionary workers' government by democratic means, I don't see who could object to it. If that is what the majority of the people want, they will eventually get it. As long as it is done in democratic fashion, it seems to me that is provided for in the Constitution or the regulations of any democratic set-up."

"Q. You knew that that was in there, did you not?"

"A. Yes."

"Q. You advocated it?"

"A. I advocated what?"

"Q. That people join the M.W.I.U.?"

"A. I advocated that people join that union at the time I did and under the circumstances."

"Q. You did not know what construction they placed on that last paragraph, to which you have just referred, did you?"

"A. No, or gave it no thought. We were concerned in getting the workers at that time into an organization to win our strike, that was our only concern.

"When the regular union that was in the field that I [2573] preferred to see the workers join—when that union took the position that they were not going to support our strike, that their orders to their union men was to 'Stay on the job and strike break', I took these men to the only other organization of the seamen in existence, which was the M.W.L.U., to get them into an organization where they could be organized and fight and be talked to and support us and win the strike.

"Q. Mr. Bridges, then if these words meant what you do not know—and you do not know just what they did mean, for you practically admitted that—

"Mr. Gladstein: I don't want to object before the question is finished, but it has already reached a stage where I think it is so vague as to be meaningless.

"Mr. Shoemaker: Not at all. I think I can clarify it to your mind. I certainly have it clearly in my mind, and I am hopeful.

"Trial Examiner Landis: I think you might object after the question has been reframed, not before.

"Mr. Shoemaker: The M.W.L.U. urges upon all its members the most active participation in the general struggles of the working class, economic and political, directed toward the goal of the estab-

lishment of a revolutionary workers' government. I think Mr. Bridges testified that he didn't know exactly just what that did mean, and it would depend on what it did mean. Well, he didn't know; that is clear. Yet, he advocated men [2574] joining an organization which believed in revolutionary change of conditions. Now, if that revolutionary change contemplated a revolution with force, it was certainly pertinent to this issue, which is obviously presented here in the charges and the warrant of arrest, and that is the point I want to bring out.

"Trial Examiner Landis: I do not think there is any objection on the part of Mr. Gladstein from your inquiring along that line.

"Mr. Gladstein: Oh, no; there wasn't.

"Trial Examiner Landis: I think the objection was to the particular phraseology with which you began the question.

"Mr. Shoemaker: Read the question, please.

"(The question referred to was read by the Reporter, as follows:)

"Q. Mr. Bridges, then if these words meant what you do not know—and you do not know just what they did mean, for you practically admitted that—

"By Mr. Shoemaker:

"Q. (Continuing) —would you think that it were right to advocate a man joining an organization where, as in this instance, it might have meant the violent overthrow of the Government?

"A. I think it would be improper.

"Q. You did not concern yourself apparently much with it, [2575] did you?

"A. I did not. We had our immediate issues to take care of. I have already explained that. Three or four months after I was advocating—and more than advocating, practically insisting—they get out of the Union. We laid there in a deadline. I think it was the end of the year that every M.W.I.U. man would have to get out of that Union and get a card in the regular Union, or he would get no further support from us. But at that time it was expedient to get these workers into that or any other organization for the purpose of winning our fight, and that is all I cared about at that time."

Now, turning to Volume 16, page 2489,—may we have a short recess?

Presiding Inspector: Yes.

(Whereupon a short recess was taken.)

Mr. Del Guercio: Page 2489, beginning with the fifth question from the top of the page:

"Q. Were you ever a member of the M.W.I.U.?

"A. Never.

"Q. Not at any time?

"A. Never.

"Trial Examiner Landis: You mean the Maritime Workers—

"The Witness: (Interrupting) Marine Workers—I worked very closely with them, but was never a member."

Continuing at the top of the page, a question by Trial Examiner Landis: [2576]

"Before you move to another subject I would like to just refer to James Branch. ***"

Mrs. King: Pardon me. What page is this, Mr. Del Guercio:

Mr. Del Guercio: Page 2605.

"Did I understand you right a moment ago when you said these speakers, referring to Branch particularly, and perhaps also to Darcy, urged the men to join the M.W.I.U.?"

"The Witness: No; not those speakers. They were speaking for the Communist Party, but the M.W.I.U. also had organizers that used to speak down there too.

"As a matter of fact, along the waterfront, and elsewhere in the city, there was quite a fight developed around that time as to the rights of free speech. We were sympathetic to their right to speak, without believing in everything they said, or everything they advocated.

"Trial Examiner Landis: I interpreted your remark to the effect that these fellows urged the men on the waterfront to join the M.W.I.U. and that you were against it. That would be an incorrect interpretation of your earlier remarks?"

"The Witness: Yes. I think that is correct. I was against the longshoremen joining the M.W.I.U., and was fairly well known by my position on that subject, and I couldn't see it that way. [2577]

"The Communist Party speakers at times did make reference that they needed organization on

the waterfront and spoke against the company union but the main trend of their remarks was to join the Communist Party.

"Trial Examiner Landis: I am confused, Mr. Bridges. I thought I had heard you say this morning that though you were not a member of the M.W.I.U. you urged other men to join it.

"The Witness: I never have.

"Trial Examiner Landis: Then I am incorrect.

"The Witness: As a matter of fact, I was instrumental in seeing that the Union was dissolved.

"Trial Examiner Landis: I am incorrect in my recollection along that line?

"The Witness: Yes.

"In this connection—I am talking now of the longshoremen—later on when the strike broke out I urged the men to join the M.W.I.U., but that is an entirely different story, an entirely different period and under different circumstances.

"I am setting now the period prior to May, 1934, within a period of 1931 and 1932, when the M.W.I.U. was trying not only to organize the Seamen and Longshoremen—it was an industrial union—with the theory, of course, that the longshoremen, teamsters, engineers and seamen were all in one Union, should be in one Union. I opposed that.

"I am dealing with longshoremen. I was against the long- [2578] shoremen joining.

"Later on, when the strike broke out, the first union that came to our assistance was the M.W.I.U.

"At the first two or three weeks of the strike, I not only advocated the men joining the M.W.I.U.

but I personally escorted groups of men up there to join.

"Trial Examiner Landis: So it would be longshoremen?

"The Witness: Seamen only.

"All the longshoremen were in our Union, the A. F. of L. Union.

"Trial Examiner Landis: You urged them to join the M.W.I.U. Did they have a union at that time?

"The Witness: There was a Union in the field at that time which was engaged in trying to keep the men on the ships, despite the fact that we were on strike. And for the first couple of weeks of the strike I led groups of men into the headquarters of the International Seamen's Union personally and asked the officials to sign them up.

"They said, 'No, we won't sign them up. As far as we are concerned we are not on strike.'

"Then I led those men to the headquarters of the M.W.I.U. where they were signed up.

"Trial Examiner Landis: If a man was a longshoreman, we will say, a working longshoreman, you wouldn't have urged him to join the M.W.I.U.?

[2579]

"The Witness: No.

"Trial Examiner Landis: Was Detrich a working longshoreman?

"The Witness: Yes."

Strike that. That doesn't pertain here.

Mr. King: Mr. Del Guercio, do you stop with the word "No", there?

Mr. Del Guercio: I think it should go in because it relates to the other.

"Trial Examiner Landis: Was Detrich a working longshoreman?

"The Witness: Yes.

"Trial Examiner Landis: Did you ever urge him to join the M.W.I.U.?

"The Witness: Never. He knew nothing about Unions until we got him in our group and started to teach him something.

"Trial Examiner Landis: That is all.

"The Witness: He didn't know the difference between the two types of Unions.

"By Mr. Shoemaker:

"Q. Do you remember when the M.W.I.U. was dissolved, Mr. Bridges?

"A. It is hard to place it with accuracy. I would say in the winter of 1935. [2580]

"Q. Do you remember——"

Mrs. King: Mr. Del Guercio, does your copy show "1936"? Mine shows "1935."

Mr. Del Guercio: I have "1935" here. Did I say "1936"?

Mrs. King: Yes.

Mr. Del Guercio: I am mistaken. It should be "1935".

"Q. Do you remember the circumstances under which they dissolved?

"A. Yes.

"Q. Will you tell them to us, please?

"A. The longshoremen organized and struck the ships on May 9, 1934.

"On May 10, 1934, the Marine Workers Industrial Union struck. They, at that time, had the largest membership of any seafaring Union.

"The International Seamen's Union, composed of sailors, firemen, marine cooks and stewards, had a total membership of some 400 or 500.

"Altogether on the Coast this Marine Workers Industrial Union had a membership of some 2,000. As I say, they followed our strike and struck in sympathy with us the next day, or in support of us, the next day.

"The sailors, or the Seamen's Unions, did not strike until May 15. They were forced to strike because of pressure of the [2581] M.W.I.U. The officials were mainly engaged in trying to keep the men on the ships.

"Q. The officials of which organization?

"A. The International Seamen's Union, affiliated with the AF of L, the ranking officer on this Coast at that time being Paul Sharanberg, and some other people. They tried to keep the men on the ships.

"Because of the M.W.I.U. being organized on many of the ships we were able to effectively tie up those ships by pulling or striking the crews on the ships. The majority of the men were in the International Seamen's Union. Their officials managed to keep them on the ships. Eventually, through pressure—we brought enough pressure on the Seamen's Union so that they voted a strike in this fashion: They voted to strike all lines, except two or three of the large lines, which meant no strike at all.

"Finally, on May 15; in a meeting that I had a lot to do with, of 24 men, the Seamen's Union officially voted a strike, that is, the International Seamen's Union. But there were only 24 men in the meeting.

"The point is that the Marine Workers Industrial Union was the first Union to strike and they were the ones that really forced a strike of the seamen.

"The International Seamen's Union ultimately did strike.

"During the course of the strike a campaign of intimidation [2382] terror, and whatnot, was carried on, under the red herring set-up, cry of Communism, and whatnot. There was started a deliberate drive on the members of the Marine Workers Industrial Union as being Communists. I doubt if 2 per cent of them were Communists at that time. But to wear a button of the Marine Workers Industrial Union anywhere in the city was just looking for trouble and asking to be slugged by the police, and the police were there ready to do it. So they drove every man out except the most hardened ones out of the Marine Workers Industrial Union, and, that is, as far as attending any meetings were concerned, and whatnot."

Continuing on page 2611:

"Now, there was no union of seamen. In other words, we had, say, 5,000 seamen on strike in San Francisco. A couple of thousand of them might have belonged to the Marine Workers Industrial Union, and maybe, 1,000 belonged to the Inter-

national Seamen's Union. When this drive came to purge the M.W.I.U. we finally prevailed on the International Seamen's Union—the issue never carried— On these seamen as well as all seamen. The Seamen's Unions were not organized until early in 1935, or late in 1935; they were not even organized. They had probationary members. So when the strike was over, July 31, 1934, and the seamen returned to their ships, the majority of them were not yet members of any union.

“Q. You mean— [2583]

“A. (Interrupting) The majority of the seamen were not yet members of any union. They had pledge cards saying ‘We agree’ or ‘authorize the International Seamen's Union to represent us.’ That was all. But they had no union books, or anything else.

“And then after the strike was over, because the International Seamen's Union was in control of reactionary officials they started, these reactionary officials, started a drive to purge every former M.W.I.U. member off the ships despite the fact that the Marine Workers Industrial Union men were first on the picket line and stayed there all during the strike, and when they tried to go back on their jobs they left to go on strike the officials of the International Seamen's Union attempted to collaborate with the ship owners and keep people off the ships because they had formerly been members of what they termed a dual union. Therefore, we had members of the Marine Workers Industrial

Union being thrown off the ships, with the collaboration of the Union officials, and the employees appealed to us as longshoremen for help. In many cases we helped them. We stopped them from being discriminated against because they had formerly been members of the M.W.I.U.

"Finally I was instrumental in advising all members of the M.W.I.U. and bringing it about, that the International Seamen's Union, that is, that all of these members would be allowed to join the Seamen's Union without any discrimination, provided they disassociated themselves entirely with the [2584] M.W.I.U. Of course, when that occurred the M.W.I.U. was finally dissolved. I think that took place towards the end of 1935.

"Q. At that time did you know many of the M.W.I.U. members?

"A. Not many.

"Q. Approximately how many?

"A. That would be very difficult to say.

"Q. Ten or 20?

"A. You can put it from that number. They were all seamen off the ships.

"Q. Would that be excessive, ten or 20?

"A. I don't think so; I would say 10 or 20.

"Q. I think you said about two per cent of them would be Communists?

"A. I am pretty sure of that. They were just ordinary rank and file workers off the ships. They didn't know what Communism was all about. They joined up. I took them up there.

"The other Union would not take them. They told these men to go to the ships and be a strike-breaker. The men themselves, lots of the members that were in the Seamen's Union, tore up their books in front of their officials, and said 'We are going over to join the M.W.I.U.'"

"Q. Did you know anything at that time about the aims and purposes of the M.W.I.U.?"

"A. Industrial unionism. They had a lot of aims and [2585] purposes that, of course, at that time were cold Communistic and that were supposed to epitomize Communism."

"Q. Supposed to be what?"

"A. Supposed to be the very height of Communism."

"In 1933 and 1934 industrial unionism was Communism. Anybody that talked industrial unionism at that time was declared a Communist."

"For example, if you supported the release of Tom Money in most of the Unions you were declared to be a Communist."

"At that time the employment insurance bill, known as the Lundeen Bill —"

Mrs. King: Isn't that the "unemployment insurance bill"?

Mr. Del Guercio: "Unemployment insurance bill, known as the Lundeen Bill for Unemployment Insurance, was pending in Congress. I presented resolutions in support of the same to our meeting in support of that bill and they were voted down because they were said to be Communistic. The AF of L was on record against unemployment

insurance at that time and claimed it would wreck the union. Their convention in 1933, or 1932 at that time condemned the resolution for unemployment insurance."

Turning to Volume 18, page 3076,—

Mr. Gladstein: (Interposing) It just occurs to me that when we want to read portions of the record in, portions un- [2586] doubtedly which immediately precede or immediately follow what Mr. Del Guercio reads into the record, the things that we want to read won't make any sense unless we read over everything that Mr. Del Guercio has read and it is going to take a lot of time.

Presiding Inspector: Go ahead.

Mr. Del Guercio: I don't believe it will, if your Honor please. I think that we have gone over this pretty carefully and have taken out all of the portions of Bridges' testimony that relate to these specific subjects.

Presiding Inspector: Well, I said before that I thought there might be a difference of opinion on that. I haven't read this part of the record, of course; in fact, I haven't read any of it. I don't know, but I should surmise that differences of opinion will occur along that line.

Mr. Goodwin: Your Honor, as Mr. Del Guercio suggests, we have tried to cover everything on these topics that are material. We had a right to call attention only to those things that we thought were favorable to the Government, but we have tried to cover it all. Now, if there are other things that counsel finds that would fit in they will un-

doubtedly call your Honor's attention to it. If, perchance, they find that we have omitted things favorable to the Government, I trust they will call attention to those things also.

Presiding Inspector: Of course, I shall expect that. [2587]

Go on, Mr. Del Guercio.

Mr. Del Guercio: I think we will eliminate that volume 18, page 3076 and go to Volume 16, page 2515. I think we are getting near the end. Beginning with the first question on the top of the page, a question by Mr. Shoemaker:

"Q. Do you recall Harry Jackson?"

"A. I do.

"Q. Do you recall when and where you first met Harry Jackson?"

"A. My recollection of first meeting Harry Jackson was in 1932 on the waterfront.

"Q. Do you recall how many times you have seen him since?"

"A. Oh, I have seen him as often as I have seen Lambert, maybe more often. I had many contacts and conferences and meetings and what-not with Jackson, especially during the '34 strike and afterwards.

"Q. Is Harry Jackson a Communist?"

"A. Yes.

"Q. Do you know him to be such?"

"A. Yes, he has told me.

"Q. Did you ever pay to Harry Jackson at any time any money?"

"A. Yes.

"Q. Will you tell us the circumstances and when and where? [2588]

A. Well, I can't recall specifically when and where. I can say that I have paid him money in San Francisco and possibly any other places."

Continuing on page 2516:

"When I say 'paid,' it has been more in the nature of a loan or a gift. My first acquaintance with Jackson went back to, as I say, either 1932 or 1933. At that time we had a company union on the San Francisco waterfront. Jackson was one of the Communist Party people—no, he wasn't at that time. He was an organizer for the Marine Workers Industrial Union. They used to speak on the waterfront and attempt to organize the longshoremen into the Marine Workers Industrial Union. They didn't have much success. Many of us were very sympathetic to Jackson. They would come down there, for example, on a motor truck. They would be speaking about five minutes and then the police would rush in and either throw them off the truck and generally beat them up and what-not. Naturally, they had the sympathy of a lot of longshoremen. We believed that they had a right to speak. We were always inflicted with other speakers, such as supporters of Herbert Hoover and Mayor Rossi and people like that; but when somebody came there to preach against the company union the police were right on the job and used to do a pretty good job on those fellows.

"He was fairly well known. Eventually, of course, [2589] as the trade union movement got going and the Marine Workers Industrial Union was

disbanded; Jackson—I think he is blacklisted in possibly every port in the United States because of trade union activity.”

Continuing on page 2589, or, the last question of page 2589:

“Q. When did you first meet Sam Telford?

“A. 1934.”

Continuing on page 2490.

“Q. Do you remember the circumstances?

“A. Yes. He was one of the officials or one of the strike leaders for the Marine Workers Industrial Union.

“Q. Did he ever tell you that he was a member of the Communist Party?

“A. I have the impression that he did.

“Q. Do you remember how many more times you met him?

“A. Oh, frequently.

“Q. What do you mean by ‘frequently’?

“A. Well, I mean in 1934 and for quite a period in 1935 it was necessary for me to see Telford, and he was still an official of the Marine Workers Industrial Union. Since that time, however, I have only seen him occasionally by accident.

“Q. Where did you meet him, please?

“A. Oh, do you mean in 1934, for example?

“Q. Yes. [2590]

“A. I met him at the headquarters or the office or at the Marine Workers Industrial Union.

“Q. In what place?

“A. At that time?

“Q. Yes.

"A. I think it was 65 Jackson Street at that time.

"Q. In this City?

"A. And then they formerly—

"Q. In this city?

"A. Yes. Before that they had a place on Market Street, and then the hall was dispensed with and the union became a more or less intangible affair prior to the time it went out of business, and I met him here and there. He came down to my union office or I would run into him here or there."

Turning to Volume 17, page 2663, it appears that heretofore some questions concerning Sam Telford appeared, and this question appears on the bottom of page 2663:

"Q. Sam Telford?

"A. I think was a member of the Marine Workers Industrial Union and the Sailors Union of the Pacific.

"Q. Roy Hudson?

"A. The only Union I think he was a member of was the Marine Workers Industrial Union."

I believe that is all of the former case. I believe the Court wants to take up the matter of— [2591]

Presiding Inspector: I think you can go on with the examination of this record tomorrow morning, can't you?

Mr. Gladstein: Of the record?

Presiding Inspector: If you want to supply anything to what has already gone in—

Mr. Gladstein: Does it have to be tomorrow morning?

Presiding Inspector: No.

Mr. Gladstein: We much prefer to put on witnesses, because this is something which could be done in a relatively short space of time, I take it, and could be sandwiched in during delays, if any.

Presiding Inspector: You will be able to go on to some extent tomorrow?

Mr. Gladstein: No, we are not. We wish an adjournment until Monday of next week, your Honor.

Presiding Inspector: What are you going to supply for the Court to do during those days?

Mrs. King: If your Honor please, perhaps I can help out on that. I have been worrying for some days on the problem of these statements that the Government hasn't furnished on its witnesses, and doing a little night work on preparing a memorandum.

Presiding Inspector: What statements?

Mrs. King: The statements of its witnesses that were taken in the FBI offices, and our right to inspect those state- [2592] ments. Although you have ruled against us on that, I am now making an application for reconsideration of that problem so that we may have those statements in connection with any possible examination of witnesses from here on, because we believe that we have a right to those statements.

Mr. Del Guercio: That has already been taken up, if your Honor please, and there has been a refusal and there is no need to go into that any more.

Presiding Inspector: That is true. At the same

time if Mrs. King would like to have me examine her authorities I will be glad to do it.

Mrs. King: Yes.

(Whereupon a memorandum was passed to the Presiding Inspector and Mr. Del Guercio by Mrs. King.)

Presiding Inspector: I will look at it.

I dislike very much to hold everybody over until Monday morning if we can possibly go ahead, Mr. Gladstein.

Mr. Gladstein: If we do, your Honor—

Presiding Inspector: I have already told you it is in the interest of everyone that this case should be progressed as rapidly as possible. I do not want to force it to such an extent that it would really mean delay, and such things are sometimes possible.

Mr. Gladstein: I understand that, but, as Mr. Grossman stated today, we are not in a position to start with our [2593] defense until the first of next week.

Presiding Inspector: So far as the new specification in the Warrant is concerned, you did have some notice of that because in Judge Goodwin's opening he said:

"We will show that the Alien"—giving his name—"shortly after he first entered this country in 1920 became a member of the Industrial Workers of the World, an organization which believed in, advised, advocated, and taught the unlawful damage, injury and destruction of property and sabotage."

Of course, it wasn't within the pleadings, if we call a warrant a pleading.

Mr. Grossman: I cannot state how much work must be done, but quite obviously this gives some legal basis for the necessity of our examining the law on it and the facts on it. Frankly, we did not feel that the IWW came within the specifications of the Warrant. We certainly were not required to prepare for a possible amendment to the Warrant. We had enough to do without doing that. Frankly, if we had some spare time we might have.

As I stated before, we may or may not put on witnesses. At least, it opens a new field which we must investigate by reason of this. Every new field means that much more work that must be done before the case is completed.

I think, however, the primary reasons for the delay are the reasons I have given. Let us take them up very prac- [2594] tically.

Let us assume that we could get in touch at best, and you recognize that is not possible, at best we could get in touch the first thing in the morning, because the times are against us in the eastern cities, with some representative of ours. Let us assume that they were at best able to get in touch, the first thing in the morning, with witnesses. Let us assume somehow or other those witnesses could leave their jobs on about twelve hours notice. Let us suppose the first thing Wednesday morning, maybe Thursday morning, those witnesses got on the train. Let us assume for the most part that these places are almost 24 hours, on the average, at least away. Seattle is 26 hours away by travel. They couldn't get here be-

fore Friday Morning. Certainly, if we are going to put on a full day of witnesses, or even a half day, we are going to have to have a certain number of hours to talk to these witnesses, no matter how well prepared by others. Even if this worked out perfectly that is the earliest we could get anybody here. We cannot wire the people to leave their jobs without giving them some notice.

As a practical matter, I do not see how we could proceed before Monday. We have cut this down to a minimum, considering the transportation difficulties.

Presiding Inspector: Mr. Grossman, this frankly comes to me as somewhat of a surprise. I thought you might ask for a [2595] day's adjournment, but I had no idea that you would ask for five days, three days of court hearing time, and Saturday and Sunday beyond.

Mr. Gladstein: May I say that we are asking for three court days. It happens that there is a week end, but we are asking for only three court days. I think that it is not unfair of us to ask, in a hearing where the Government has occupied three full weeks and part of the fourth week, for us to ask for three days' recess in a hearing which will last all together somewhere around seven or eight weeks, or in that neighborhood. I do not think three days' time is unfair.

In the last hearing we were given, I think, three days, that is my recollection, before we put on our defense; that is, three trial days.

I submit, your Honor, that is a fair request par-

ticularly in view of the difficulties that have been expressed heretofore by Mr. Grossman:

You must remember too, Judge, that we have had to meet these things as they came along. We haven't been accorded privileges which we felt we had a legal right to, but which the Government felt they had a right to deny us, and the denial to us of the privileges that we have requested from time to time of knowing in advance who the witnesses were, has made it simply impossible for us to prepare in advance to put on a defense the minute the Government closed its case. [2596]

Mr. Del Guercio: If the Court please, I want to state on behalf of the Government, that we are opposed to the granting of any recess. I haven't heard a single thing here today that would justify the granting of the recess. There are three of counsel, and they have had ample opportunity to meet everything that the Government has presented. They were given notice in our opening statement of everything that we intended to prove, and we have kept pretty closely to that opening statement.

In addition, the Court must remember that they knew long in advance of the beginning of this trial what was coming. It was publicly known that the Bridges case was going to be reopened. The Warrant of Arrest was issued some time in February and was served some time in that month. So that the defense had ample opportunity, even after the service of the warrant, to prepare to meet anything the Government may have had.

In addition to that, they had one full week after the case began within which to further prepare.

For those reasons, and there are many others I won't take time to state, I oppose the granting of the recess.

Presiding Inspector: Can you give me assurance, any reasonable assurance, (in case this request is granted, that there will be no further requests for adjournments and that we will be able to proceed right along?

Mr. Gladstein: I think we can, your Honor. We will [2597] certainly exert every possible effort not to request any further recesses.

Presiding Inspector: Of course, something might occur, such as illness, or something of that nature, but as far as you can foresee can you assure—as far as you can reasonably foresee—can you assure me there will be no further requests for adjournments?

Mr. Gladstein: I will say to your Honor, as counsel of the Court, that when we start on Monday of next week to put on our defense we will continue through five trial days each week until we are through.

Presiding Inspector: And you feel, Mr. Del Guercio, that Major Schofield can be here? You suggested you wanted him as a witness. Do you feel that he can be here by Monday?

Mr. Del Guercio: Yes, I think so.

Presiding Inspector: I will grant the motion and we will recess until Monday morning of next week.

(Whereupon, at 4:15 P. M. an adjournment was taken to Monday, May 5, 1941, at 10:00

A. M.) [2598]

Court Room 276,
Federal Building,
San Francisco, California,
May 5, 1941.

Met. pursuant to adjournment, at 10:00 A. M.

[2599]

PROCEEDINGS

Presiding Inspector: Now, Mr. Del Guercio, I understand that you have rested except for two matters that you have reserved.

Mr. Del Guercio: That is correct, your Honor.

Presiding Inspector: And that you will cover those two matters as soon as the witnesses arrive.

Mr. Del Guercio: Yes, your Honor.

Presiding Inspector: With that understanding then you will proceed, Mr. Gladstein.

Mr. Del Guercio: If the court please, there is another matter that I would like to take up at this time. I note, in going over the transcript of Volume 15, that there appears what we believe to be a misspelling of one particular name at the time that the witness, Mrs. Segerstrom, was on the stand. The transcript of the record shows, particularly on page 2405, and again on page 2412, and again on page 2440, the name "Mayes" spelled "M-a-y-e-s." We believe that the witness testified and her notes show that the spelling of that name should be "M-a-a-s."

I talked to the reporter here this morning and he is of the opinion that he heard it as "M-a-y-e-s." I have a distinct recollection that it was "M-a-a-s," and there are others who have that recollection. If

there is no objection I move that the record be corrected to show the proper spelling "M-a-a-s," [2600] instead of "M-a-y-e-s."

Presiding Inspector: What is the significance?

Mr. Grossman: It may be of some significance. I won't say that we want to agree to it. We want to examine the record first and we will state our position as soon as we can.

Presiding Inspector: Very well. That will be all right. Bring it up tomorrow morning.

Mr. Grossman: Although it is out of order, because we wish to make some legal arguments, as a matter of convenience, we will put Chief Dullea on the stand first.

Will you take the stand, Chief?

Presiding Inspector: Very well.

CHARLES W. DULLEA

called as a witness on behalf of the Alien, being first duly sworn, testified as follows:

Direct Examination

By Mr. Grossman:

Q. What is your name and official position.

A. Charles W. Dullea, Chief of Police of San Francisco.

Q. And you are appearing here, are you not, in response to a subpoena directing you to bring with you certain records? A. Yes, sir.

Q. And will you please state what the subpoena asked you to bring to this Court? [2601]

(Testimony of Charles W. Dullea.)

A. "The subpoena directs me to report a record of arrest or conviction of Sam Diner in the files of the Police Department, in the Police Department of the City of San Francisco. "You are being subpoenaed at the request of the counsel for Harry Bridges, Attorneys Richard Gladstein, Aubrey Grossman, Carol King".

Q. In response to that subpoena did you examine the records of your Police Department?

A. I did.

Mr. Del Guercio: If your Honor please, at this time I move—apparently now counsel has brought out that he has subpoenaed certain arrest reports of the witness Sam Diner. Now it is apparent that that is a collateral attack or they are attempting to attack the witness Sam Diner on a collateral matter, and your Honor has ruled repeatedly that that would not be permitted.

Presiding Inspector: No. I think this is direct impeachment.

Mr. Del Guercio: I don't think so.

Presiding Inspector: To show conviction. They always can show conviction.

Mr. Del Guercio: They can show—

Presiding Inspector: (Interposing) I never heard of showing arrest before, but it has been introduced by both sides [2602] here without objection. I think I will take this testimony. This is direct impeachment, not a collateral matter. I will take it. It goes to his credibility. Go ahead.

(Testimony of Charles W. Dullea.)

Mr. Grossman: I don't recall whether my last question has been answered. To save time I will repeat it.

Q. Did you find in the records of your department any arrests or convictions of Sam Diner?

A. I did.

Q. And do you have that record with you or copy of that record?

A. Yes, sir; the original record.

Q. May I see it, please?

A. Yes, sir. (Producing records)

Mr. Del Guercio: Now, if the Court please, I repeat my objection. Counsel has also included arrests, not only convictions.

Presiding Inspector: You put them in repeatedly. "Have you ever been arrested?" And no objection was taken to that. I will rule that in this proceeding they must show as direct impeachment arrests as well as convictions, although the effect that there will be given to such evidence will, of course, remain for me and for those who afterwards review the testimony. In the State where I come from arrests are not competent.

Mr. Grossman: Would you like to examine this?

[2603]

Mr. Del Guercio: I don't think they are competent in this proceeding.

Presiding Inspector: I know, but they have been shown right along without objection. Arrest, of course, is nothing but a charge.

(Testimony of Charles W. Dullea.)

Mr. Grossman: That is right.

Presiding Inspector: And the charge—anyone can make a charge. So that will be taken into consideration. But I will take it.

Mr. Del Guercio: If the Court please, I have here what appears to be a report of a San Francisco Police Department.

Presiding Inspector: Yes.

Mr. Del Guercio: Now, I don't suppose that this witness here knows who made these entries in the docket here.

Presiding Inspector: I understood this was an official record of the department in your charge?

The Witness: It is, and I have the man with me who made the entries.

Mr. Del Guercio: At best it will be hearsay.

Presiding Inspector: We take hearsay in this proceeding.

You have offered a good deal of it. I will take it. Mr. Grossman.

Mr. Grossman: Yes.

Q. Now, Chief, do you have any other records respecting—

Presiding Inspector: (Interposing) What are you going [2604] to do? Offer this in evidence?

Mr. Grossman: Yes.

Presiding Inspector: Very well. You want to further identify it?

Mr. Grossman: Yes.

(Testimony of Charles W. Dullea.)

Presiding Inspector: Very well.

By Mr. Grossman:

Q. Chief, do you have any further records besides this with respect to any arrest or conviction of a man named Sam Diner or Solomon Diner?

A. Well, I have some duplicate reports. I was unable to get all of the originals on account of the removal of our records from the Hall of Justice to the Richmond Station, and the records are being looked up now and they may arrive any moment. However, I have one original arrest report and three copies that were kept in the individual offices that participated in the arrests.

Q. Then you have some fuller or more information than appears on this document you have handed me?

A. These reports substantiate those arrest records.

Q. May I see those, please?

A. Yes, sir. (Producing records).

Q. As I understand it, the reports you are now handing me are the original documents from which the first document [2605] you handed me was made?

A. They are duplicate copies, carbon copies.

Mr. Grossman: I see.

Mr. Del Guercio: If the Court please, I understood that this is offered for the purpose of impeachment...

(Testimony of Charles W. Dullea.)

Presiding Inspector: Yes, sir.

Mr. Del Guercio: The witness Sam Diner never testified that he wasn't charged with any felony.

Presiding Inspector: It isn't that kind of impeachment. It is a direct impeachment of his character. That is some evidence that he has been guilty of wrongful acts.

Mr. Del Guercio: To have been charged with a crime?

Presiding Inspector: No, I don't think so. If you hadn't already frequently asked witnesses "Have you ever been arrested?" I wouldn't allow the arrest. It is only the conviction which seems to me pertinent. But in view of the way that the hearing has been conducted, I am going to take it into the record. It doesn't mean that it will have any effect or that it won't have any effect. That I am going to consider later, but I will take it into the record.

I don't know whether I talk too fast. I will take it into the record for what it is worth. These are all arrests and not convictions. [2606]

Mr. Grossman: Pardon?

Presiding Inspector: These are arrests and not convictions.

Mr. Grossman: It is possible for us to prove convictions, I suppose, by the records of the Police Department. In many cases they may not show convictions even if they occur. We will probably

(Testimony of Charles W. Dullea.)

have to follow these further in the courts to prove convictions proper.

Presiding Inspector: You understand the Examiner has said—

Mr. Grossman: (Interposing) I understand—in some of these cases we may follow them to see if we can get court records.

Presiding Inspector: As far as the arrests are concerned as being contradictory statements, or statements of anything of that kind, I should think that was very doubtful. The only purpose of this is to affect the character of the witness.

Mr. Grossman: I recognize, your Honor, at this time you are not ruling.

Presiding Inspector: No, sir.

Mr. Grossman: We do offer them at this time for two reasons: One is, that you stated in so far as they do, if they do, reflect the character of the witness; second, we offer them as contradictory to the record.

Presiding Inspector: I will reject them on that ground. I don't say they haven't some relevance.

I say the relevance is [2607] so remote it would be of little, if any importance. But as they are going to be received I will reserve that too.

You understand, Mr. Del Guercio—all counsel understand—that in this kind of an investigation we are not bound by the rules of common law evidence, although well established rules of relevance

(Testimony of Charles W. Dullea.)

and pertinence should be given weight, and I intend to give them weight. But I am not absolutely bound by this rule that there can be no contradiction on collateral points. In general, I think it should be included. I have already stated that in the record. I said there might be exceptional cases. Now, I take this primarily here as reflecting on the credibility as to direct impeachment. Whether it really has that result or not will be something that I will later consider.

Mr. Del Guercio: Your Honor's statements are correct, and we agree with them. We say we are bound by the rules of reason. We do not want to see this hearing turned into a smear hearing.

Presiding Inspector: You are quite right about that.

Mr. Del Guercio: I think the Court should oppose any smearing tactics on the part of counsel.

Presiding Inspector: I am going to endeavor to keep this hearing within reasonable limits. But in view of the way the trial has been conducted up to this time I will take this evidence. [2608]

Mr. Grossman: We intend to, and we will file with your Honor, a memorandum of law showing on the second point that I raised this is not collateral evidence. I recognize the rule that on collateral matters a witness cannot be impeached. We intend to submit a statement on that.

2

(Testimony of Charles W. Dullea.)

By Mr. Grossman:

Q. Chief, I notice on the first document that you handed to me, which is a summary of your records, apparently, there are certain descriptions of the man who is described as Sam Diner—Solomon Diner. Can you tell me how those descriptions were prepared and from what source they were obtained?

A. They were prepared at the time of the arrest of Sam Diner.

Mr. Del Guercio: I object to the form of the question. The Chief has stated that he doesn't know how these were prepared; that he didn't prepare them. The question should be how they are generally prepared, if at all.

Presiding Inspector: I understand that is the question.

By Mr. Grossman:

Q. You are reasoning, I suppose, from the general practice in the department, are you not?

A. Yes, sir.

Q. What is the general practice in the department with respect to preparing such information on such reports?

A. The person arrested is fingerprinted. The classifi- [2609] cation appears on this record card, and his general physical description is taken by the officer who is engaged in that particular duty at that time while viewing the subject.

(Testimony of Charles W. Dullea.)

Q. Now, Chief, would you be very much embarrassed in your work if I introduced these reports in evidence and saw to it that you got them back after we made a photostatic copy within a day or two?

Mr. Del Guercio: I think that is an improper question.

Presiding Inspector: They are public records. Can't they be read into the record?

Mr. Grossman: It will take a good deal of time. If it is agreeable to you, Chief, and you don't mind letting us have them—we do not mind meeting the cost—we would like to have them photostated and then hand them back.

I think we should have them photostated. There is no reason to keep the original documents in the record.

Presiding Inspector: They may be treated as other documents are.

The Witness: The only record I am particularly anxious to withdraw is this record (indicating) which belongs to the Identification Bureau.

Mr. Grossman: You will have the assurance of the Court that you will get them back.

Presiding Inspector: They will not go out of the hands of the reporter. [2610]

By Mr. Grossman:

Q. The arrest reports that you have handed me, which are four in number, were they prepared

(Testimony of Charles W. Dullea.)

also—I hand them back to you—in the regular course of business of your police department and in the regular way? A. Yes, sir.

Q. And they are regular records of your police department? A. Yes, sir.

Mr. Grossman: I now offer in evidence these five documents.

Mr. Del Guercio: I object to them being introduced on the ground that they are immaterial, irrelevant and do not contradict anything already in the record.

Presiding Inspector: I will overrule the objection and receive the documents with the understanding which I have already stated.

Mr. Grossman: There are five documents—I will make that correction—and they are to be given. I assume, the exhibit numbers next in order, and they are to be withdrawn and photostatic copies substituted, with the reporter to return them to Chief Dullea.

Mr. Del Guercio: I object on the further ground they are copies and not the originals.

Presiding Inspector: I will take them. [2611]

(The documents referred to were received in evidence and marked Alien's Exhibits 7 to 11, inclusive.)

Mr. Grossman: That is all.

I would like to call your Honor's attention to

(Testimony of Charles W. Dullea.)

certain portions of these reports which appear to be relevant, if any portions of these reports are.

Reading from the Summary Report, 9-8-14, being the date, "Sam Diner, #4613, arrested, Oakland"—

I am going to have to ask the Chief to read this because some of the abbreviations may not be clear to me.

By Mr. Grossman:

Q. Will you, reading from the document, read everything dealing with any 1914 arrests of Sam Diner?

A. His record — "9-8-14, as Solomon Diner, #4613"—that would be his gallery number—"arrested, Oakland O.M.F.P."—obtaining money under false pretenses.

It says, "11-16-14"—several days later—"released on his O.R."

And then "4.6.1915. Discharged"—

Presiding Inspector: That means "own recognizance"?

The Witness: Yes, sir; own recognizance.

"4.6.1915. Discharged by Judge Samuels." He is a Judge in Oakland, California.

By Mr. Grossman:

Q. Is that the last entry with respect to that arrest? [2612] A. Yes, sir.

Mr. Grossman: I can read the additional that I want to call your Honor's attention to.

(Testimony of Charles W. Dillea.)

The substance of this report is as follows:

"February 2, 1932. This date booked Samuel Diner enroute to Sonoma County on warrant charging violation of Section 701 of the Penal Code.

"Sheriff of Sonoma County notified by wire.

"Description: White, 43 years, 5 ft. 7 inches, 145 lbs., blonde streaked with grey, slightly bald, blue eyes."

Presiding Inspector: Do you know what that section of the code provided?

The Witness: I don't remember.

By Mr. Grossman:

Q. Do you remember, Chief?

A. I don't remember.

Q. Or what it was in 1932? A. No.

Mr. Grossman: I don't know, but I can find out and bring it to your attention after checking.

No more questions. [2613]

Cross Examination

By Mr. Del Guercio:

Q. Now, Chief, you testified, I believe, that the person to whom these records refer was fingerprinted? A. Yes, sir.

Q. Well, was he fingerprinted on all occasions of his arrest? A. Oh, yes, sir.

Q. Whether they were for misdemeanors or felonies?

A. That is right. To establish the identity they are fingerprinted.

(Testimony of Charles W. Dullea.)

Q. Do you know if that was done in the case of this person represented by these records?

A. Well, as a general practice it is.

Q. I mean, do you know if every time Solomon Diner or Sam Diner was fingerprinted do the records so show?

A. Of my own knowledge I don't know.

Q. And do the records show?

A. Inspector O'Neil in charge of the Identification Bureau is here. He could answer that.

Q. I mean in looking at the records?

A. No. The records do not reflect that at all.

Q. The records do not show? A. No, sir.

Q. Do you know who the Sam Diner is who is represented [2614] by these records?

A. Yes, sir.

Q. Who is he?

A. He was a man who was arrested by our department.

Q. I mean, do you know him personally?

A. I have seen him; yes, sir. I have had him in the "show-up". I had him down in the Hall of Justice.

Q. Do your records show as to whether or not Sam Diner was convicted of a felony?

A. He was never convicted of a felony.

Q. He what?

A. He was never convicted of a felony.

Q. Was he ever charged with a felony?

(Testimony of Charles W. Dullea.)

A. No, sir.

Q. Do the records show that he was arrested for a felony?

A. Well, he was charged with a conspiracy, but it was a conspiracy to commit a misdemeanor.

Q. A conspiracy to commit a misdemeanor. So that, so far as your records show, the records that you identified here, Sam Diner was neither convicted of a felony nor charged with any felony?

A. I don't think so, no. May I consult that record once more?

Mr. Grossman: The reporter has it. Just a moment. I will give it to you. [2615]

The reporter has it.

The Witness: I am quite sure that he was never charged with or convicted of a felony, though.

Mr. Del Guercio: Your Honor, in view of the testimony of this witness I move to strike out all the testimony.

Presiding Inspector: I will let it stand.

Mr. Grossman: I would like to state this: The Chief obviously is testifying as best he can, but I don't think he knows off-hand whether Section 701 is a felony or not, or whether obtaining money under false pretenses was or it might have been. I mean, the Chief is doing the best he can, but it is a legal question.

Presiding Inspector: I will let it stand.

(Testimony of Charles W. Dullea.)

By Mr. Del Guercio:

Q. Do you know the difference between being charged with a crime and being accused of a crime?

A. Yes. I think I do.

Q. What is the difference between being accused of a crime and being charged with a crime?

A. I think if a man is charged with a crime he is arrested. Many people are accused but not charged.

Q. Would you say that when a person is picked up or arrested that he is charged with any crime?

A. I would say so, yes.

Q. By whom is he charged? [2616]

A. By either the arresting officer or the complaining witness.

Q. When would the arresting officer charge a man with a crime?

A. When an offense is committed in his presence.

Q. Do you know if any of the offenses that are listed on this book were committed in the presence of the arresting officers?

A. I would say so, yes.

Q. Is there anything on the record to indicate that?

A. On the arrest for violation of the Anti-picketing Law. That was an arrest made in the presence of the officer.

Q. I refer you particularly to the arrest of

(Testimony of Charles W. Dullea.)

this 2/2/32. I believe your report shows that he was arrested enroute to Sonoma County, California "on warrant—threats against life" and delivered to the Sheriff Flohr, Oakland, 4613. Would

you say that that offense was committed within the—— A. (Interposing) Oh, no.

Q. What? A. No, sir.

Q. Then you don't know whether he was charged then with that offense, do you?

A. I communicated with the Santa Rosa authorities this morning and they have no record of a conviction up there.

Q. Who charges a person with an offense?

[2617]

A. Well, the complaining witness; the person that he has offended.

Q. And to whom does he make that complaint? To the Police? A. To the Court.

Q. Not to the Police, though?

A. Originally, yes, sir.

Q. Well, if a man makes a complaint to the Police is a man formally charged with a crime?

A. It depends on the character of the crime.

Q. What? Well, have the Police the authority to charge anyone with a crime not committed in their presence?

A. Upon reasonable grounds, yes, they have according to the Code upon a charge made.

Q. What?

(Testimony of Charles W. Dullea.)

A. Upon a charge made and there is reasonable cause to believe a crime has been committed, a felony committed, they can arrest him and charge him.

Q. Isn't it a fact that under the California law a Magistrate can only commit under certain circumstances in the Superior Court?

A. That is the only one who can. Either a Grand Jury can indict or the Magistrate can commit, make a holding.

Q. Then the Police can't make a charge and prosecute one? [2618]

A. Maybe we don't understand each other's meaning. I have arrested persons and charged them with felonies and signed the complaints and there has been a holding.

Q. Is a person ever tried on a charge made by the Police? A. Solely?

Q. Yes.

A. Well, not unless they were the offended person.

Presiding Inspector: Well now, isn't the rule different with respect to felonies than with respect to misdemeanors?

The Witness: Oh, yes; quite.

Presiding Inspector: A felony has to be prosecuted under an indictment by the Grand Jury. Do you have information by the District Attorney?

The Witness: Information after a holding. We charge here on the complaint.

(Testimony of Charles W. Dullea.)

Presiding Inspector: But for misdemeanors?

The Witness: On a complaint.

Presiding Inspector: On a complaint?

The Witness: Yes, sir. Filed in the office of the Bond and Warrant Clerk, and that is the vehicle that takes him into the Police Court.

Presiding Inspector: I thought it was substantially that.

The Witness: Yes, sir. [2619]

Presiding Inspector: I think that the law can be clarified by reference to the same.

Mr. Del Guercio: Yes.

Q. Do your records show whether this Sam Diner was ever so accused of crime, that is, either by information or by indictment?

A. No. I don't think he ever went into the Superior Court. That is my recollection without refreshing my recollection from the record.

Mr. Del Guercio: That is all.

Presiding Inspector: That is all, Chief.

Mr. Grossman: That is all.

(Witness excused.)

Presiding Inspector: Call your next witness.

Mrs. King: If your Honor please, as Mr. Grossman said earlier, we called this witness out of order for his convenience and so as not to delay him in the Court room this morning. However, we should like to be heard with reference to some of the legal points in this case before we call the next witness.

Presiding Inspector: Go ahead.

Mrs. King: I should like at this time to make a motion to dismiss this proceeding upon the ground that it is now apparent from the evidence introduced by the Government in this case that Harry Bridges is being subjected to double [2620] jeopardy in this case and, further, that the matters are res judicata.

This was, we thought, fairly evident when the case opened. It has become far more evident from the Government's evidence in the case.

Presiding Inspector: Well now, there is no necessity for arguing that because I will deny the motion, which I suppose in technical form should be a motion that I, as the Examining or Presiding Inspector, report to the Attorney General my advice that the hearing be discontinued and the Warrant quashed. I suppose that is the real form of it.

Mrs. King: Yes, I suppose it would be.

Presiding Inspector: Well, without regard to the form I hold, first, that I have no power to quash this Warrant and that it would be improper for me to pass upon this matter even so far as advice is concerned without hearing all of the evidence. So I am going to deny your motion.

Mrs. King: In connection with this motion I should, however, like to read into the record at least portions—I should prefer to read all, but I am going to be reasonable in the matter—I should like at least to read portions of the Landis Report which will call to the attention of, if not your Honor, the reviewing authorities in this case the fact that the time covered by the present charge—I mean, the evidence in sup-

port of the [2621] present charge against Mr. Bridges is identical with the time covered by the hearing in the last case. In other words—

Presiding Inspector: Well, I—

Mrs. King: (Continuing) To put it simply—

Presiding Inspector: (Interposing) Yes.

Mrs. King: (Continuing) —there has been a great deal of talk about a new statute under which the Attorney General has brought this proceeding. Under that new statute, if it is held constitutional, it is possible to deport an Alien for past membership in certain proscribed organizations.

At the time of the last hearing—

Mr. Del Guercio: (Interposing) If your Honor please, I am going to interrupt here because I don't believe this should go into the record. It is not the proper place for it.

Presiding Inspector: She can make any motion that she sees fit. Counsel have a right to make motions and put them on the record.

Mrs. King: At the time of the last hearing it was possible in view of the decision in the Strecker case, only to deport an Alien for present membership in a proscribed organization. Curiously enough, in this proceeding the present membership charge covered by the Landis Report is identical in point of time with the past membership charge contended in the present case. In other words, you have Dean Landis and the then Department of Labor, which was in charge of the case, [2622] considering whether Mr. Bridges was a member of the Communist Party between approximately 1934 and the early part of

1938, and the evidence which is summarized in Dean Landis' Report makes it plain that that is the period under consideration.

The witnesses in the present proceeding have testified to incidents and events of approximately the same time; that is, from approximately the waterfront strike of 1934 to the early part of 1938.

Now, it is true that there was some evidence introduced with reference to 1932 to 1934. That is also true in Dean Landis' Report, and he so mentions it.

It seems to me, furthermore, that he is not only considering the same point of time, but especially in view of the so-called "admissions" which were read into the record on the last day of the Government's case that you are covering precisely the same set of facts. It is not only the same charge but the same evidence on the same charge.

Now, it seems to me that for the preservation of the record we are entitled to show in these proceedings, which the Government contends is a new and different proceeding from the last one, what was then held so that if our claim of *res judicata* and of double jeopardy is a sound claim that we are entitled to have appear in the record the holding of the last hearing with reference to matters that are at issue in this [2623] hearing, so that the reviewing authorities may know just what disposition was made then and what is presented at this time.

Now, I should like particularly to——

Presiding Inspector: (Interposing) Well, you don't have to——

Mrs. King: (Continuing) —to call to your attention—

Presiding Inspector: (Interposing) . You wouldn't have to have this in the evidence, would you?

Mrs. King: I don't see how they would have it before them otherwise.

Presiding Inspector: Isn't this a public record, this report?

Mrs. King: But it seems not to be a part of this record. We have to make it a part of this record. The transcript is as much a public record, I should think, because in the ordinary case—of course, it was different in the Bridges case—the decision is not a public record and, in fact, even the attorneys generally speaking, can't obtain decisions in deportation matters. This is the only case I know of where the attorney in the case was permitted to obtain a copy of the decision. And I don't know whether it is a public record or it isn't, but it certainly isn't a part of this record, and I should like to make it a part of this record.

Presiding Inspector: Well, under the rules at present the decision of the Presiding Examiner or Inspector has to be [2624] delivered to the Alien.

Mrs. King: Yes, that was not then true.

Presiding Inspector: It was not then true?

Mrs. King: And, as a matter of fact, we never did receive this decision. We went out and bought it. We never received any notice from the day the hearing closed in San Francisco until we saw in the newspapers what the decision was.

Presiding Inspector: This is purely a technical matter and the motion is in essence made to others than to the present Presiding Magistrate, Presiding Inspector. I think you ought to be entitled to have enough in the record so as to make your claim elsewhere. Of course, as to my own decision, my advice would be against your contention.

Mrs. King: Well, thank you, your Honor.

Presiding Inspector: I think further that I will say in explanation that I think you confuse evidentiary findings with conclusory findings and, as I read the report, the only conclusion, which is a judgment or in the nature of a judgment at all, would be that final sentence, after the word "conclusion."

Mrs. King: It seems to me that when you are dealing with res judicata you do deal not only with conclusory findings, as you so well denominate them, but also with evidentiary findings because, after all, the Presiding Inspector—

Presiding Inspector: (Interposing) Not usually.

Mrs. King: I should like particularly to—

[2625]

Presiding Inspector: (Interposing) But I still agree with you: that you ought to have the record in shape so at the proper time and place to present this question.

Mrs. King: Thank you, your Honor.

I am reading now from page 102 of the Findings and Conclusions of the Trial Examiner in the matter of Harry R. Bridges under the heading "The Maritime Workers' Industrial Union."

"A brief reference to some of the events of this strike is necessary. The International Seamen's Union in 1934 was neither very active nor very militant. A number of the unlicensed seagoing personnel were then members of the Maritime Workers' Industrial Union. This union was organized along industrial lines, had been chartered by the Trade Union Unity League, and was unquestionably considerably more left wing than the normal trade union."

Where it is stated "A number of the unlicensed seagoing personnel were then members of the Maritime Workers' Industrial Union," this is apparently an error for Marine Workers' Industrial Union, which correctly appears at other points in the report.

"Its policy and its program undoubtedly attracted into its fold many maritime workers who were either members of the Communist Party or were sympathetically inclined with its aims. Its constitution spoke in more radical and revolution- [2626] ary terms of the necessity of remedying the plight of the worker and of the impossibility of doing so other than by resort to at least economic force."

Then there is a footnote 53, which reads as follows:

"The constitution of the M.W.I.U., for example, contains phraseology of this character: 'Victory in this struggle (the revolutionary struggle of the whole working class against the capitalist system) can be won only by the most relentless, militant, and revolutionary struggle for the whole working class. * * * It (the M.W.I.U.) rejects and condemns the teach-
erous class-collaboration policy of the A. F. of L.

which seeks to delude the workers into believing that it is possible for them to live 'in peace' with the capitalists. * * *

Back on the text:

"It dwelt upon the class struggle and the iniquities of the bosses in sharper and more bitter terms than the manner in which those subjects are today touched upon in the constitution of the American Federation of Labor."

Footnote 54, which reads as follows:

"Compare the following from the preamble of the constitution of the American Federation of Labor: 'Whereas the struggle is going on in all the nations of the civilized world between the oppressors and the oppressed of all countries, a struggle between the capitalist and the laborer, which grows in intensity [2627] from year to year and will work disastrous results to the toiling millions if they are not combined for mutual protection and benefit;

"It, therefore, behooves the representatives of the trade and labor unions of America in convention assembled, to adopt such measures and disseminate such principles among the mechanics and laborers of our country as will permanently unite them to secure the recognition of rights to which they are justly entitled."

Back on the text:

"It undoubtedly had a number of Communist in important official positions. In the minds of many people the M.W.I.U. was a Communist or Communist-controlled union, despite the fact that a contrary conclusion was reached on January 3, 1934, by the

Solicitor to the Department of Labor and confirmed by the Commissioner of Immigration and Naturalization."

Footnote 55, reading:

"See U. S. ex rel. Borie v. Marshall, 290 U. S. 709."

Back on the text:

"It would be impossible on this record to determine the communistic or noncommunistic character of the M.W.I.U.; nor is it necessary to do so.

"On May 9, 1934, the longshoremen went on strike. The M.W.I.U. then had a large number of men in the seafaring group—

There seems to be a typographical error.

Presiding Inspector: "Larger," probably.

[2628]

Mrs. King: But it says "large number of men in the seafaring group than the International Seamen's Union. The M.W.I.U. went out on strike on May 10, 1934, in sympathy with the longshoremen. Bridges claimed that it was largely the pressure of the M.W.I.U. that forced the seamen's union officially to join the strike on May 15. Bridges relationships with the M.W.I.U. were always friendly. Claiming that the International Seamen's Union neither welcomed members nor was an effective union until after the 1934 strike, Bridges admitted that he had frequently urged seamen, who were seeking some organizational nucleus, to join the M.W.I.U. possibly before the strike and certainly during the period between May 10 and 15. Here the testimony of Detrich and Bridges was contradictory. To Detrich the M.

W.I.U. was a Communist union and Detrich claimed that Bridges had urged him to join it."

Footnote 56:

"Detrich testified that he 'believed' Bridges was a member of the M.W.I.U. No effort was made to probe the basis of that belief. It probably stemmed from the activities noted above in which Bridges indulged."

Back on the text:

"Bridges admitted freely that he had urged seamen for the reasons stated to join the M.W.I.U., but had not urged the longshoremen to do so. . . ."

Footnote 57, reads:

"Detrich was a working longshoreman." [2629]

Back on the text:

"... that he had welcomed the help of the M.W.I.U. and had worked with them, but that since the longshoremen had an effective union to which they could turn, he had not suggested that the longshoremen should join the M.W.I.U.

"Bridges' admittedly friendly attitude toward the M.W.I.U. was demonstrated also by his subsequent actions. Following the termination of the strike the seamen's union still was opposed to the M.W.I.U. It started to pursue a policy whereby it both refused admittance to seamen who had become members of the M. W. I. U. and also discriminated against those of its members who had joined the union. Because of the help given the longshoremen by the M.W.I.U. Bridges protested this policy and claimed to have been instrumental in getting the seamen's union to

accept members of the M.W.I.U., provided that they would then dissociate themselves from the M.W.I.U. This, according to Bridges, was responsible for bringing the eventual dissolution of the M.W.I.U."

Then this is a sub-head:

"IV. The International Labor Defense."

Mr. Goodwin: May it please your Honor, I don't want to interrupt unnecessarily, but I do not see the propriety of reading into this record the report of Mr. Landis at another hearing involving different issues under a different statute. [2630] It doesn't seem to be the time or the manner in which this may properly be—when such a point may properly be presented.

Presiding Inspector: Well, her motion, as I understand it, is that at this point on the basis of something like res judicata that I advise the Attorney General to quash or vacate the Warrant. I suppose that is her motion. Now, in order to show that this matter is res judicata she is offering it in evidence to establish that fact. I don't think it establishes it and I have already ruled to that effect, but I do think that she is entitled to have it in some way in the record so that she can argue this matter in—

Mr. Goodwin: (Interposing) Is reading from this document putting it into the record?

Presiding Inspector: Pardon?

Mr. Goodwin: Is reading from this document putting it in the record?

Presiding Inspector: I understood she offered this as a part of the evidence.

Mrs. King: That is correct.

Mr. Goodwin: I think that—I do not think that that is the way to prove it.

Presiding Inspector: Probably not, if objection is made.

Mr. Goodwin: Well, I should make the objection. I do not think that—we would have the question then, if it is offered in evidence, then we may have an opportunity to have your Honor rule on that question, and I am suggesting this, [2631] your Honor: Is she—I would ask counsel, Has she any authority to present to the Court that the conclusions of an administrative officer appointed to pass on the question of present membership or other membership can come within the rule of *res judicata*? *Res judicata* is the solemn pronouncement of a Court, not the conclusions of an administrative officer, and unless she has some authority suggesting that the conclusions of an administrative officer in an informal hearing at this time have the binding force of a judgment the whole matter is in—it proves that it is entirely immaterial.

Mrs. King: May I—

Mr. Goodwin: (Interposing) I think that is a preliminary question.

Mrs. King: Judge Goodwin, when this case opened I submitted to his Honor Judge Sears, and I believe I served upon Mr. Del Guercio a memorandum dealing with this specific question, and in that memorandum I cited the following cases dealing with the fact that the decision of an administrative officer could be considered as *res judicata*. The case of *Re Borich*—

Mr. Goodwin: (Interposing) Pardon me. May I have it? May I look at the document? What is it?

Mrs. King: It is my only copy in Court this morning.

Mr. Goodwin: I don't want it. I just wanted to know what [2632] the question of res judicata is.

Presiding Inspector: Why don't you offer the report?

Mr. Goodwin: I do not know.

Presiding Inspector: Why don't you offer the report in evidence?

Mrs. King: I would be glad to offer the full report in evidence, your Honor.

Mr. Del Guercio: I object to that upon the ground that it is immaterial.

Presiding Inspector: Offer it in evidence on the point of res judicata simply, not as proof of any fact therein contained. Is that the offer?

Mrs. King: I offer the whole thing on two grounds:

1. Res judicata, and
2. On the ground of double jeopardy, the charge at this time being the same as the earlier charge.

Presiding Inspector: I will receive the document, but I will hold in due season that there is no double jeopardy and that there is no judgment except that — there is no binding findings — I won't say "judgment" — on any point except possibly membership in an organization which favors the overthrow of the Government by force at the time that the earlier Warrant was issued, and even on that point I am also

going to hold that the doctrine of *res judicata* does not apply so far as my advice may be considered—may be concerned.

I will receive it. [2633]

Mr. Del Guercio: May the Court please, on both the grounds and first of all—

Presiding Inspector: I have ruled in your favor.

Mr. Del Guercio: I want to get in the record, and have counsel understand it, that in the first place Judge Landis had no authority, either under the law or under the rules to render either an opinion or a decision; that the decision in cases of this kind is made, and was made at that time, by the Board of Review and by the Secretary of Labor; and that the decision in this case will likewise be made either by the Board of Immigration Appeals and by the Attorney General. So that the grounds upon which counsel offers this, of course, falls of its own weight.

Presiding Inspector: Perhaps she will continue by offering the affirmatory decision of the proper official.

As I understand it, and you will correct me if I am wrong, there was no review of Dean Landis' recommendation?

Mrs. King: That is correct. There was not, as I understand it, a review by the Board of Review. It is my understanding that when these findings of fact and conclusions of law were presented they were presented directly to the Secretary of Labor. I may be mistaken about that, but I know that it

is one of the few occasions where there was no opportunity to be heard before the Board of Review. No notice of any such hearing was given to the attorneys for the Alien. [2634]

When Dean Landis' report was filed he sent along with it a letter of transmittal, which is dated December 28, 1939. The decision in this case of the Secretary of Labor was January 6, 1940, and it seems unlikely that there was any determination by an intermediate body between the transmittal of the findings of fact and the conclusions of law and—

Presiding Inspector: I didn't get the date.

Mrs. King: The letter of transmittal is dated December 28, 1939. The decision of the Secretary of Labor was—I was wrong the last time. I said January 6th. I should have said January 8.

On January 8 the Secretary of Labor, Frances Perkins, cancelled the warrant of arrest upon the basis of the findings and conclusions in the Trial Examiner's report.

Mr. Del Guercio: I challenge that statement, if your Honor please. There is nothing to indicate that.

Presiding Inspector: She hasn't got that far.

I will receive the report in evidence, but rule against the conclusions you seek to draw from it. I will receive it so that the whole thing may be before future official bodies having to do with this proceeding.

(The report referred to was received in evidence and marked Alien's Exhibit No. 12.)

Mrs. King: May I call attention specifically to the formal charges in the first deportation proceedings, which [2635-36] are referred to on pages 1 and 2 of the Landis report.

Presiding Inspector: Yes. But I think you ought to refer to the case which we have heard so much about in the Supreme Court of the United States confining decisions in such cases to the time when the warrant was issued.

Mrs. King: That decision is cited in that portion of Dean Landis' opinion, with a brief discussion of its implications.

Presiding Inspector: And then despite that you contend that he decided, which was excluded from the power of decision by the authority of the Supreme Court decision.

Mrs. King: I contend that he decided that in 1938, and immediately prior thereto, Harry Bridges was not a member of the Communist Party; that there has been not a scintilla of evidence introduced in this hearing with reference to the connections of Harry Bridges at a period subsequent to 1938, nor at a period prior to 1932, which was as far back as Dean Landis went. In other words, that the period of time covered by the evidence in this case is, as I have said before, identical with the period of time covered in the Landis Report; and that although he was determining present membership, that the present membership situation in the 1939 proceedings was identical with the past membership situation in the present proceeding. In other words, what is now past was then present.

So that the period of time is identical and [2637] the situation is identical.

All that has happened is that one or two further witnesses have appeared for the same period of time.

I contend that in the memorandum dealing with *res. judicata*, which I have submitted to your Honor, efforts were made in certain cases to reopen, because of new evidence, and the courts held, on habeas corpus, that the matter having been determined that was settled, and that the aliens—in those cases Chinese aliens,—were entitled to the benefit of the rule and could not be properly retried.

I am contending for the proposition that at this time Mr. Bridges cannot properly be retried, or we will have no end to litigation, and that there is really nothing new in this situation, and that the talk of a new statute is a mere smoke screen behind which the Government has introduced evidence, all of which could have been introduced at the prior hearing, and which is now introduced simply in what we consider an effort by the FBI to get Mr. Bridges, and not in a real effort to investigate a situation which was thoroughly and completely investigated in 1939.

If I may, I would like to go on and point out—

Mr. Goodwin: (Interposing) May I ask a question at this time?

Presiding Inspector: Certainly. The question is directed to Mrs. King? [2638]

Mr. Goodwin: I am directing it to your Honor. Have I interrupted discourteously?

Presiding Inspector: Not at all.

Mr. Goodwin: I am asking if your Honor hasn't ruled that the question is not for you and, if it is not for you, should we not proceed with the hearing?

Presiding Inspector: The question is not for me, but, at the same time, I have received this in evidence so that she may go as far as she can to make this point. She has done that. She is simply emphasizing it, as both counsel have done heretofore, by reading pertinent parts. I think I will let her go on.

Mr. Goodwin: If we are to have arguments they should be more or less formal arguments, but still the question is not for you.

She has already introduced this in evidence.

Presiding Inspector: True, but you will remember that at numerous times documents were received in evidence, for instance, when Mr. Gitlow was testifying, and then counsel read for the convenience, I suppose, of the Presiding Inspector the pertinent parts of it.

Now, in the same way, Mrs. King has introduced a document which has been received for a certain limited purpose. Now she is calling attention by reading certain pertinent parts of it. I think the situation is almost identical and if it is [2639] criticized now it ought to have been criticized before.

Mr. Del Guercio: We have had no opportunity to cross examine the person who has introduced that

document. There hasn't been anybody on the witness stand to introduce any document through.

Presiding Inspector: You don't question Dean Landis' report?

Mr. Del Guercio: I question it as far as the effect of such a report is concerned.

Presiding Inspector: I have ruled with you on that, but I am going to let her make her record so she can have it properly reviewed.

Go on.

Mr. Goodwin: Then it is understood that our silence—we do not care to enter into the argument—does not indicate our acquiescence in the validity of anything said?

Presiding Inspector: Absolutely not.

Mr. Goodwin: We don't wish to enter into the argument.

Mrs. King: I want to read the conclusion of this report, which says:

"The evidence therefore establishes neither that Harry R. Bridges is a member of nor affiliated with the Communist Party of the United States of America."

That appears on page 134.

Presiding Inspector: That would seem to be in legal [2640] terms a decision of non-suit. That wouldn't be res judicata even.

Mrs. King: Well, in these immigration cases—

Presiding Inspector: It doesn't say that he is not a member. It says, doesn't it, "is a member"?

Mrs. King: Yes.

Presiding Inspector: That wouldn't even be res judicata. 1

Mrs. King: It seems to me that that, followed by the cancellation of the warrant of arrest, establishes that, in the opinion of the Department of Labor, there was no case against Harry Bridges.

Presiding Inspector: It establishes at least, without answering your suggestion directly, it establishes at least that the Department of Labor did not care to prosecute the matter further.

Mrs. King: That is correct.

It is my contention that where a situation like that is presented that the Department of Justice has no right to reopen a case of that kind, where the period of time covered by the evidence is identical with the period of time covered by the evidence at the last hearing.

Now, to make that clear I would like to read what the formal charges were against Bridges, which appear on pages 1 and 2:

"On March 2, 1938, a warrant was issued by the assistant [2641] to the Secretary of Labor for the arrest of Harry Renton Bridges, an alien. This warrant recited that it appeared that Bridges was subject to deportation pursuant to the provisions of section 2 of the Act of October 16, 1918, as amended by the act of June 5, 1920, 8 U. S. C. section 137, ordered that Bridges should be taken into custody and that a hearing should be granted him enabling him to show cause why he should not be deported in conformity with law.1"

Then there is footnote 1:

"This warrant was served on Bridges in Baltimore on March 5, 1938. Pending further proceedings Bridges was released from custody upon his own recognizance."

Now back on the text:

"Sec 8 U. S. C. section 155.

"The specific charges made in the warrant against Bridges were four in number:

"(1) That, after he entered the United States, he became a member of an organization that advises, advocates, and²"—then there is a footnote reading:

"The warrant reads 'and'; the statute reads 'or.'"

"* * * teaches the overthrow by force and³"—

Footnote 3:

"The warrant again reads 'and'; the statute reads 'or.'"

"* * * violence of the Government of the United States;

"(2) That, after he entered the United States, he became affiliated with such an organization:

[2642]

"(3) That, after he entered the United States, he became a member of an organization that causes to be written, circulated, distributed, printed, published, and⁴"—

A similar footnote:

"The warrant again reads 'and'; the statute reads 'or.'"

"* * * displayed printed matter advising, advocating, and⁵"—

A similar footnote again:

“* * * teaching the overthrow by force and⁶” —

With a similar footnote.

“* * * violence of the Government of the United States;

“(4) That, after he entered the United States, he became affiliated with such an organization.

“On June 12, 1939, following the decision of the Supreme Court of the United States in *Kessler v. Strecker*, 307 U. S. 22, the warrant was amended⁷” —

Footnote 7:

“The amended warrant was served on Bridges in San Francisco on June 12, 1939.”

“The only change made in the specifications of the grounds upon which the warrant was issued was that all four charges in the amended warrant were framed to state that Bridges both was and is a member of or affiliated with the organization described.

“Preliminary to the hearing counsel for Bridges filed a [2643] request for a bill of particulars, asking, among other things, for the name of the organization referred to in the warrant the date when and the place where Bridges was alleged to have become a member, the written documents, if any, tending to prove that membership, and numerous other particulars. The Government opposed the granting of this request save as to the name of the organization referred to in the warrant, which was stated to be the Communist Party of the United States of America. The Government's contentions

in this respect were upheld on June 27, 1939, by the examiner in a written opinion which is attached hereto as appendix I."

I am now reading from page 5 of the Landis Report, subdivision 3. "The issues and the nature of the defense."

"A. Alienage of Bridges.

"No question is made as to the alienage of Bridges. A native Australian, he entered the United States in April 12, 1920, at San Francisco. He filed first papers for naturalization in 1921. Application was made for final papers in 1928 but the application was deemed too late upon the ground that the 7-year period for filing had elapsed. He filed first papers again in 1928, but these were again permitted to lapse. He filed first papers for the third time in 1936. His application for naturalization is thus still pending.

"B. Issues in This Deportation Proceeding.

"The deportability of Bridges hinges upon the proof as to whether (1) he is (a) a member of or (b) 'affiliated with' [2644] the Communist Party of the United States of America, and (2) whether, if a member or so affiliated, that party (a) believes in, advises, advocates, or teaches the overthrow by force or violence of the Government of the United States' or (b) 'causes to be written, circulated, distributed, printed, published, or displayed written or printed matter advertising, advocating or teaching the overthrow by force or violence of the Government of the United States.'¹⁶"

Then footnote 16 reads as follows:

"Misunderstanding of the statutory basis upon which the deportation of the so-called alien radicals rests seems peculiarly rife. Harper L. Knowles, who was respectively a member for some 4 years of the Special Americanism Committee, the Subversive Activities Commission, and the Radical Research Committee, committees created by the California American Legion, as well as being chairman of two of them, though concerned constantly and actively with the deportation of alien radicals, testified that he thought they could be deported upon the mere ground that they were 'undesirable.'"

"Both issues involve findings of fact upon which,"—

Presiding Inspector: Testified in this proceeding?

Mrs. King: Yes; in that proceeding.

"Both issues involve findings of fact upon which, if there is any evidence to sustain the findings, the determination of the Secretary of Labor is by law made final." [2645]

Citing *United States ex rel. Vajtauer v. Commissioner of Immigration*, 273 U. S. 103, and two other cases, as well as the Code Section 8 U. S. C. Section 155.

"That the finding with reference to the question of Bridges' membership or affiliation with the Communist Party is a finding of fact is obvious. Also it is a question of fact whether the Communist Party of the United States as of a particular time¹⁷ falls within the statutory ban of advising, ad-

vocating, or teaching the overthrow by force and violence of the Government of the United States is also a question of fact."

Right after the words "particular time" there is a citation to the Kessler decision and also to another decision.

"That many decisions of a Federal Courts¹⁸"—at this point there is a footnote reference—"have sustained previous findings of the Department of Labor that the Communist Party of the United States of America is within that ban, though persuasive, especially when based upon essentially similar evidence, is not conclusive of the question at the present time."

Citing the Strecker case and *Ungar v. Seaman*, 4 F. (2d) 80.

"Not only is there the possibility that the characteristics and objectives of the Communist Party of the United States of America have changed, but it is possible, in the light of changing economic and political conditions, to view the type of radical advocacy indulged in by that party as now so indefinitely related to force and violence as to cast doubt upon its appro- [2646] priate inclusion within the ban of the statute. See *Antolish v. Paul*, 283 Fed. 957, 959. Constant re-examination of the theses and aims of such radical organizations is thus under the statute the responsibility of the Secretary of Labor.¹⁹"

There is a footnote which says:

"Thus in 1934 the Department of Labor, despite the fact that its prior conclusion to the effect that

membership in the Trade Union Unity League was a ground for deportation, had been upheld by the courts (see cases in note 18), upon the advice of its then Solicitor, Charles E. Wyzanski, Jr., changed its policy and directed that thereafter no warrant for the deportation of any alien should be issued solely upon the ground of such alien's membership in the Trade Union Unity League and other specified left-wing labor organizations. See *United States ex rel. Borie v. Marshall*, 290 U. S. 709."

Then we come to "C", Nature of the Defense.

"The alien's response to the charges against him was a complete and unequivocal denial. Not only did he deny that he was a member of the Communist Party, but he also denied that he had ever been a member of that party."

Mr. Goodwin: In order to give learned counsel an opportunity to check up whatever she was checking up, may I suggest that this does not come within the rule that your Honor suggested because what Mrs. King is doing, what learned counsel is doing, is not to call your Honor's attention to various excerpts [2647] from the report of Mr. Landis, but to read it. I think that is entirely unnecessary. If there are certain specific things she wants to call to your attention why I should think that would be within your Honor's ruling; but this in evidence now. She may comment on this in her brief or at any time. I do not see how it serves any useful purpose to read it all again.

Presiding Inspector: I question whether it does. Are you going to read the whole report?

Mrs. King: Not the whole report. Perhaps if you will call the morning recess now maybe we can reach some agreement during the recess about how much should be read.

Presiding Inspector: We will take a short recess.
(Whereupon a short recess was taken.)

Presiding Inspector: Mrs. King, have you made arrangements.

Mrs. King: (Interposing) I have decided we can cut down some, but if your Honor will hear us we do feel that some parts of this belong in the record. I will from now on incorporate certain things by reference, when possible, rather than read them in full, but I should like—

Presiding Inspector: Of course, Mrs. King, your claim is potentially one of res judicata. You have got the document in. I am not going to be impressed by it because I have already ruled I am merely allowing this for the purpose of giving you a complete record. Understand that?

Mrs. King: Yes. If your Honor feels that this reading [2648] is unnecessary—

Presiding Inspector: I really do think it is unnecessary, Mrs. King.

Mrs. King: I would like then merely to refer specifically, if I may, by pages to various portions, without reading them in.

Presiding Inspector: All right. Do that.

Mrs. King: Now, before this recess I was reading from page 7 under the heading "C. Nature of the Defense," and I read the first paragraph.

I should like to incorporate the second paragraph, which ends at the foot of page 7.

I would like to incorporate all of "III. Meaning of Affiliation," beginning on page 10 and running along through page 11, dealing with the meaning of the affiliation.

And beginning on page 122, arabic 13, headed "Harry R. Bridges;" and I would like to incorporate everything after that on page 122, all of page 123, 124, 125, 126, 127, 128, 129, all the way through page 131, which ends that chapter or subdivision of the report.

Also I would like to incorporate Roman numeral V, beginning on page 132, and dealing with "Conclusions on Remaining Matters," through page 134, which is the end of the report as such.

I should also like to state that in reading, obviously, small errors in punctuation were made and I would like to arrange [2649] to have the reporter copy from the original report and compare it.

Presiding Inspector: He doubtless will do that. There will be no trouble about it anyway.

These cases do not go on dotted i's or the absence of dots.

Mrs. King: Now, if your Honor please, I would like to go on with the legal discussion, but on an entirely new matter.

Mr. Del Guercio: If this is a new matter may I interrupt, if your Honor please?

Inasmuch as reference has been made to the Marine Workers Industrial Union, quoted in argument by counsel from the Landis report, I think, in

all fairness, that the following matter should go into the record too; and that is the occurrence, or certain statements that were made by counsel in chambers regarding the manner in which the Solicitor, Department of Labor, reached its decision. If I remember correctly it was to the effect that it had been represented to the Solicitor, and to others, by certain persons, that the Marine Workers Industrial Union had disassociated itself, or to use the words of counsel, disaffiliated itself from the Red International of Labor Union.

There is evidence in this record to the effect that the Marine Workers Industrial Union never did disassociate itself from the Red International of Labor Unions. There is no evidence here to controvert that.

Presiding Inspector: I think that is a subject we are [2650] going to have testimony on. I don't know.

Mrs. King: If your Honor please, the attorneys for Mr. Bridges still regard this disassociation as something which was, as we said in chambers, and which I would not have brought up if Mr. Del Guerico had not brought it up, was testified to, or brought up at least by Mr. Honig, in the testimony in the Chatham Shoe Case. We have been unable to secure that testimony. We have located, not a letter to the American Civil Liberties Union, but a letter to another organization, which we are producing when we get it down from the office, or producing at least an excerpt which we have, to the effect that the decision of the Department of Labor was reached

at least in part as a result of representations made by Mr. Honig, who, as your Honor knows, was the witness who at this proceeding testified to the fact that there was no such disaffiliation. Whether we can secure, from either the Department of Labor, which was then in charge of Immigration, or from the Department of Justice which is now in charge of Immigration, anything which will substantiate this letter which was written by the Department of Justice, and in which it was clearly stated that their conclusion was reached in part on the representation of Mr. Honig, I don't know. But I do feel, in view of what Mr. Del Guercio said, that we should be permitted to introduce into this record the opinion of Mr. Wyzanski with reference to the TUUL and its subordinate organizations, and the decision of Commissioner [2651] McCormick, because that ties right up with the matter which I intend to bring up in addition, which is the fact that the attorneys for Mr. Bridges contend that he is being denied equal protection of the law in that now since 1934 no one has been ordered deported for membership either in the TUUL or certain groups of subordinate organizations, and in the course of this proceeding, apparently there is a suggestion that there should be a rule of law changes. This is not only true with reference to the TUUL and its subordinate organizations, or the Marine Workers Industrial Union, which has been referred to in this hearing as the MWIU, but it is also true with reference to the Industrial Workers of the World.

That matter was up for consideration by the Department of Labor back in 1920 and it is my understanding that there has never been a deportation for, exclusively for membership in the IWW; and at the same time the Department of Justice at this time is seeking to deport Mr. Bridges for membership in an organization in which thousands of workers have been members, and have been members without being interfered with by the Department of Labor.

And you have the fact that in *Fiske v. Kansas*, the United States Supreme Court held that as far as the constitution of that organization was concerned there was nothing in it which warranted holding that the organization advocated the overthrow of the Government by force and violence.

[2652]

Now; there have been certain exhibits which were introduced at this hearing, which exhibits, in our opinion, were never properly identified and never properly introduced, but that is a matter for later consideration.

But we do feel that to have Mr. Bridges deported for membership in organizations such as the MWIU, or affiliation with such an organization, where you have testimony of the Government's own witnesses that there were 10,000 members of that organization, and since Wyzanski's opinion in 1934 there has been no effort to deport any single individual, and for an effort to deport him for membership in the IWW, where you have had, I don't know how many thousands of members, and no

effort made to deport any of them, it seems as though it is clear that the Government is discriminating against Bridges; that he is not being treated like any other alien, and there is no reason to close our eyes to that fact and to assume because the forms of a deportation proceeding are being observed that the substance is being observed.

In the last proceeding we did ask what organization Mr. Bridges was charged with either having been a member of, or affiliated with, and perhaps wrongly, we assumed that when this deportation proceeding was instituted at least they were the same organizations; and we further assumed, in view of the charge, and in view of the fact that the Government, in handling this case for months and had a great number of people working [2653] on it, that it would not be necessary, in the middle of this hearing, to substitute, or rather to add a new charge. We feel that we are well within our rights in calling to your Honor's attention the fact that Harry Bridges is being denied equal protection of the law; that he is being discriminated against in this proceeding and is being treated differently than other aliens in the United States.

We believe that this is a deliberate policy and one which your Honor should not lend himself to.

Mr. Goodwin: I was waiting for counsel to pause for her breath, but she didn't.

Now, there is one thing that I want to interrupt to call your Honor's attention to.

The question of whether these organizations come within the statute is obviously a question of fact.

and has been so ruled upon. It has been held that because the courts have held in former cases that an organization came within the classification of the statute was not binding on some other court when the case arose. That is, the Government can't go in and seek and obtain the deportation of someone on the ground that he has been a member of the TUUL purely on that ground without showing that the TUUL is one of those subversive organizations.

In exactly the same way, because they have held in some other case that the evidence before the Court did not justify [2654] the Court in holding that the TUUL was such a subversive organization, does not prevent the Government from showing that now.

So far as discrimination is concerned, you cannot repeal a statute, you cannot nullify a statute, by failing to bring action on account of membership in a subversive organization if it subsequently transpires that it is a subversive organization and that anybody who belongs to it is subject to deportation. Mere failure to find the evidence, to produce the evidence over a term of years does not—what shall I say?—does not give immunity to anybody who belongs to that particular organization if the evidence is finally and properly presented.

We have a situation here where formerly it was only necessary to show that membership in these organizations made the member subject to deporta-

tion. Then we had a ruling that the evidence was not sufficient in certain cases for that purpose.

Now, we have that same question. It is no more proper to say that because of that one ruling, or a certain ruling, that the evidence there did not show it, therefore, the court ought to hold that it is not a subversive organization. It would be just as logical for us to go back to the former rulings and say, "Your Honor, in such and such cases it was held that membership in the TUUL, or in the Marine Workers, was sufficient," and ask your Honor to rule on that.

What we are actually asking is that your Honor examine the evidence and determine now whether membership in those [2655] organizations constitutes reason for deportation. That is a question open to you which cannot be precluded by any departmental ruling or any ruling even of a court on other evidence in another case.

That is all, your Honor.

Presiding Inspector: Your motion is that I find and advise the Attorney General that this proceeding is a denial to Mr. Bridges of equal protection of the law?

Mrs. King: Yes

Presiding Inspector: I will deny that motion.

[2656]

Mrs. King: In that connection, although I am sorry to suggest that I should do some more loud reading, I would like to suggest that the opinion of Mr. Wyzanski and the ruling of the Department of Labor with reference to the TUUL, which is not

a public record, and which, as far as I know, is not available generally, should be put into this record.

And I, therefore,—

Presiding Inspector (Interposing): Now, let me see. This was an advisory opinion of Counsel Wyzanski to the Commissioner of Immigration and Department of Labor, is that it?

Mr's. King: Yes.

Presiding Inspector: What did he have before him? What appears? Did he have any particular case?

Mrs. King: Yes. I believe, if your Honor please, although I am not sure, that this was rendered in connection with the Borich case but that the Commissioner at the conclusion of this Solicitor's opinion makes a general ruling in which he orders that all cases against Aliens who are members of certain specified organizations, which organizations are not exclusively the organization involved in the Borich case, should be discontinued and as a result of that such membership was from then on until now, as far as I know, and I am reasonably sure that I am speaking accurately, there [2657] has been no effort to deport for membership in any of these organizations, all of which—no, not "all of which", but many of which including the M.W. I.U., the Marine Workers' Industrial Union, went out of existence in 1935. There were some of the organizations referred to in Commissioner McCormick's ruling.—

Presiding Inspector (Interposing): I will allow you to have the Exhibit marked for identifi-

cation, that is, the Wyzanski opinion and the opinion or direction or departmental ruling of Commissioner McCormick so that there may be no question of what you refer to.

Mr. Del Guercio: I haven't seen it.

Presiding Inspector: They are going to present it. But I am going to rule then that they are incompetent and immaterial in this proceeding and, assuming all the facts which you have stated to be true, I will deny your motion that there has been legal infringement of the provision of the Constitution in respect to guaranteeing to all equal protection of the laws.

Now, that will cover it very broadly so that you will have the opportunity to raise the question elsewhere if you deem it proper.

Mrs. King: If your Honor please, I am in this position: That the only copy of the Wyzanski opinion and Commissioner McCormick's ruling as a result of that opinion I have informally [2658] annexed to a brief, and I am wondering for that reason whether I can at least read Commissioner McCormick's ruling and later to-day, perhaps, furnish the Wyzanski opinion or perhaps read that, too, into the record.

I do not have, in other words, a copy which I can easily furnish to the reporter for identification.

Mr. Del Guercio: If the Court please, I don't believe that that would be proper. ~~We have no way~~ of knowing whether that is correct or not, but I

believe that a reference to it is sufficient for this purpose, that it is a departmental matter.

Presiding Inspector: I rather think a reference to it is sufficient. Can't you have yours marked for identification?

Mrs. King: With reference to the problem of a reference to it being sufficient, your Honor, it is my understanding that these opinions and rulings are not readily available. Now, I don't even know if it came over from the Department of Labor to the Department of Justice and I have a feeling that, if this was only marked for identification and did not become a part of the record, we might find that at some later date it was not available in Washington because the Department of Labor has never published the opinions in cases and they are very difficult to secure. As a matter of fact,

Presiding Inspector (Interposing): Well, all that I want [2659] to assure you is that on any review this matter shall be fully open to you to argue, and I think that this opinion is so clearly incompetent as a binding piece of evidence that it should not be received. However, in order that you may have the point, I think that you might have it marked for identification. My ruling is going to be broad enough, and I will handle that directly on the record, that I am ruling on the assumption that you could connect this up and show it to be the document which you in fact claim that it is. I don't want you to be caught in any technical omission here or error of any kind because that is not the basis of my ruling at all, that you haven't authenticated it.

Mrs. King: Thank you, your Honor.

Presiding Inspector: I don't take your view as a matter of law, and this is a matter of law which you are bringing up and not a matter of fact.

Mrs. King: Yes. If your Honor please, I would like specifically to offer in evidence the ruling of the Commissioner of Immigration and Naturalization, Samuel W. McCormick, with reference to this problem and I would like to read at least so much—

Mr. Goodwin (Interposing): May I see what you propose to offer in evidence?

(The proffered document was passed to Judge Goodwin.)

Presiding Inspector: Off the record. [2660]

(Remarks outside the record.)

Presiding Inspector: On the record.

Mr. Del Guercio: What counsel has apparently shown me is a brief written by I don't know whom, in the matter of Renton Bridges, in which it is purported to quote from a letter of Samuel W. McCormick, Commissioner of Immigration and Naturalization. It is undated. Now, I don't say, mind you, that this is an incorrect quotation from the letter, but this isn't the letter itself; it isn't a copy of it. It just purports to be copied from a letter.

Now, I think that my suggestion, the suggestion that was made heretofore, should be followed and that is that a reference to the letter—it is available in the department. I believe I have a copy of it myself somewhere, and I believe that that should

suffice rather than to have this admitted in evidence. It is nothing at all.

Presiding Inspector: If you have anything else I think you should produce it.

Mrs. King: I have nothing else, your Honor, with reference specifically to this opinion. Now, you have the situation here that this opinion, and I think I am right in saying that it is not a letter but it is a decision based upon the opinion of Wyzanski, the opinion of Mr. Wyzanski was in the form of a letter dated January 3, 1934 to the Commissioner [2661] of Immigration and Naturalization and at the close of that letter there is a ruling, as I see it, of the Commissioner with reference to this matter.

These are all within the control, I assume, of the Immigration Service which Mr. Del Guercio represents. This is all that we have ever gotten. We got these on request from the then Solicitor of Labor, as I recall it. I wrote a letter to the Immigration Service asking for a copy of the opinion in the Borich case, and this was forwarded to me and copies were made for the brief. I do not have anything which further authenticates the or, but I assume that Mr. Del Guercio has everything on this point. I also assume that—

Mr. Goodwin (Interposing): Are you offering this in evidence, Mrs. King?

Mrs. King: I would like to read it into the record, yes.

Mr. Goodwin: Are you offering it in evidence?

Mrs. King: Yes.

Mr. Goodwin: May we see it?

Mrs. King: It is exactly the thing you did see a moment ago.

Mr. Goodwin: I understand.

Mr. Del Guercio: I object to it upon the ground that the document hasn't been properly identified and it isn't a document at all, it is a brief. What counsel is reading from [2662] is a brief.

Presiding Inspector: Mr. Del Guercio, I am going to exclude this, but I think that we will take a very long time unless we have it understood that this may be marked. If I exclude it under a technical objection here we won't get along at all.

Mr. Del Guercio: I don't know, if the Court please, whether it is correct or not. I have no way of checking it here now. If I had the document I would offer it.

Presiding Inspector: I am going to reject it, don't you understand? I am not going to receive it. I am going to relieve her, if I can, from the necessity of trying to show the correctness of it because, assuming it is correct, I am with you. I am with you, Mr. Del Guercio, and I am going to reject it. Now, are you going to want me to rule on a technical point?

Mr. Del Guercio: Yes. I think that would be proper.

Presiding Inspector: Well, I will overrule the technical objection, but I will reject it on the main ground, as already stated, that it is not competent here, and even if it were introduced in evi-

dence it would not establish that there had been any denial of the protection of the law.

Mrs. King: If your Honor please, I ask leave to have copies struck off of this opinion of Mr. Wyżanski and what I conceive to be the decision of Colonel McCormick, so that I [2663] may have them marked for identification.

Presiding Inspector: Yes, you may do that.

Mrs. King: Which will be brought into Court as soon as that can be done.

Presiding Inspector: All right.

Mrs. King: I should also like to request, and I think I am within my rights in requesting, from Mr. Del Guercio, who has control of this, a copy of any regulations or rules that were forwarded to the local stations as a result of this decision of Colonel McCormick. It is my understanding that immediately after that decision was rendered the local Immigration Officials were instructed in accordance with that decision that arrests of Aliens who were members of certain organizations were to be cancelled, the proceedings were to be discontinued.

Now, I do not have access to those regulations and I assume that Mr. Del Guercio does have access, and I ask that I be furnished those regulations and ~~an~~ rules and instructions that were issued as a result of this decision so that I can establish for the purposes of the record, as your Honor has permitted me at this point to have this opinion and this order marked for identification, to show what

the procedure of the Immigration Service was with reference to persons who were members of these organizations.

I would also like to make a demand or a request upon Mr. [2664] Del Guercio and the Immigration Service for any rules and regulations with reference to persons who were members of the I. W. W. I believe that such regulations were promulgated. I am not quite sure, but that is well within their control, and it seems to me that the Government of the United States should not lend itself to keeping from counsel documents which are relevant simply because they have control of them. And so I ask that any documents that were promulgated by the Immigration and Naturalization Service with reference to persons who were members of the Marine Workers Industrial Union or the Trade Union Unity League or any documents relating to persons who were members of the I. W. W., that is, instructions to local Immigration Officials, be furnished to the attorneys for Mr. Bridges so that we may more adequately present the question of law as to whether Mr. Bridges is or is not being discriminated against in these proceedings and can show what the usual and general procedure of the Immigration Service is with reference to membership in the organizations specified.

Presiding Inspector: Well, if Mr. Del Guercio wishes to produce anything of that kind it is his privilege. I shan't instruct him one way or the other. This is a subject for the Department of Justice.

Mr. Del Guercio: If the Court please,—

Presiding Inspector (Interposing): Do you want to say [2665] anything?

Mr. Del Guercio: There is no rule or regulation on the question that Mrs. King is talking about. The rules and regulations are printed by the Government printing office and are available to counsel as well as to us.

Mrs. King: If your Honor please, I am not referring to the printed immigration laws and rules or to the recent mimeographed rules that your Honor has seen, but to the intra-departmental instructions which were issued in 1934 to take care of this situation. And I should also like to add to my request a request for the disposition of then pending cases of persons who were members of this organization. In other words, there were instructions sent out from Washington in individual cases referring to the opinion of Mr. Wyzanski or the decision of Colonel McCormick and suggesting that warrants of deportation be cancelled in view of that opinion and that decision. And I ask that Mr. Del Guercio be requested to furnish those to the attorneys for Mr. Bridges so that we may have adequately before your Honor the suggestion that was presented and the fact that in all cases involving membership in the Marine Workers Industrial Union and the Trade Union Unity League such warrants of arrest, if issued, were cancelled and such proceedings were not instituted in cases where investigation had been initiated but warrants had not as [2666] yet come forth.

Mr. Del Guercio: I believe that should be addressed to Mr. Lemual Schofield and Mr. Schofield has already given his reply. Mr. Schofield is the departmental official in charge of the Immigration and Naturalization Service. I am not.

Mr. Grossman: Your Honor, we have made a motion upon which is based a claim that certain constitutional rights of Mr. Bridges have been denied. We are now, of course, in the process of producing or attempting to produce evidentiary material supporting those constitutional rights. We have made a request in the form we have made it, not because of necessity it must be made that way, but because it is the most courteous way to begin. We insist, however, on having definite rulings or statements, if we can obtain them, for the purpose of determining our future conduct because we intend to in one manner or another produce evidence showing the thing that Mrs. King has referred to in her argument; that is, evidence of the policy and rulings of the Department of Labor, and her argument was based on the premise that we would produce and we will produce such evidence.

Now, we consider that the most courteous way to raise the question and the simplest way is by requesting your Honor to obtain or to ask Mr. Del Guercio to offer the items of evidence that we have referred to. We would, therefore, like, in order [2667] to know how to go ahead since we contemplate using the subpoenas, if we cannot obtain it any other way,—we here at this time request that

your Honor rule whether you will make such request to Mr. Del Guercio or yourself obtain them in some manner. And, second, we would like to have, if we can have, a statement of Mr. Del Guercio whether he will comply because, assuming that we cannot obtain this evidence in either of these two ways, we intend to prepare an application for a subpoena, which will certainly be unnecessary if either of these are complied with.

Presiding Inspector: Why don't you make an offer of proof and I will rule on the offer of proof?

Mr. Grossman: Your Honor, we don't like to make an offer of proof for this reason: We don't know exactly in detail what these records show, and if the subpoena is not granted or it is not honored: if, for any reason, therefore, we can't get the subpoena, then we will make the offer of proof. But since we do not know all the facts in such accurate form as is necessary to properly present such a constitutional question as this, we intend not to make it. Therefore, we would like to have a ruling as to whether it is necessary, in other words, by yourself whether you will make such a request or order. Then, if we can have it from Mr. Del Guercio.—

Presiding Inspector (Interposing): No, I won't make such [2668] a request. If your application for a subpoena is along the lines which you have suggested I shall hold, first, that I have no power to subpoena anyone in the Department of Justice; and, second, that I deem the evidence which you have outlined in a general way immaterial anyway.

Mr. Grossman: Well, as I say,—

Presiding Inspector (Interposing): I think perhaps you should present such a request to me so as to have it clearly within the record.

Mr. Grossman: Then I will assume that it will be necessary, unless Mr. Del Guercio will state that he will produce or will have produced such evidence as we are concerned with—if so, that will be unnecessary, of course, so as to apply for a subpoena.

Presiding Inspector: He said that he shouldn't feel that he should answer that until he should have an opportunity to talk with Mr. Schofield.

Mr. Grossman: I think he said a little more.

Presiding Inspector: That is the basis of it.

Mr. Del Guercio: I said that Mr. Schofield is in charge of the Immigration and Naturalization Service.

Presiding Inspector: You feel that the request should be directed to him?

Mr. Del Guercio: To him rather than to me. If I have [2669] the documents that they are speaking of I will be glad to make them available to counsel. I do not have them, and, as I understand it, the Court has ruled that they are irrelevant.

Presiding Inspector: I think that they are irrelevant.

Mr. Grossman: Well,—

Presiding Inspector: Because even if there had been such a ruling I do not see any pertinency in this particular case.

Mr. Grossman: It is your Honor's suggestion, then, that the best way to proceed is at this time

by application for a subpoena, which we would ultimately have to use if these are not furnished us without subpoena? So we will prepare an application for a subpoena specifying as well as we can the evidence that we desire.

Presiding Inspector: Yes, and I will rule on your application.

Mr. Grossman: Now, your Honor, we have miscalculated the time required for the arguments and, therefore, our witness is not available here. My suggestion is one of the two following procedures: Our witness is available in town and we can bring him here in about fifteen minutes.

There is a matter that we must discuss in chambers, the matter of our request for withdrawal of a certain Exhibit that we discussed last Friday, I think it was, or last Thursday, which we consider timely and would rather discuss as soon as [2670] possible, which we might take up at this time if your Honor is willing.

Presiding Inspector: Yes.

Mr. Grossman: If not, we are prepared to come back early in case you want to adjourn at this time. But we suggest the desirability of meeting in chambers now on this other matter.

Presiding Inspector: Very well. We will adjourn, then, until 2:00 o'clock.

(Whereupon at 12:15 o'clock P.M., a recess was taken until 2:00 o'clock P.M., of the same day.) [2670a]

After Recess

2:20 O'clock P.M.

Mr. Goodwin: May it please your Honor, there is a matter which, on inspection during this noon hour, has led me to conclude that there is something that I should say about it at the present time.

I have not had an opportunity to consult with my associates and colleagues on account of the long conference in chambers.

But the suggestion has been made that by including the N.W.I.U. and the T.U.U.L. and the I.W.W. there has been discrimination against the Alien.

Now, your Honor, I wish to say that I share full responsibility for the inclusion of those organizations in my opening statement and in this proceeding.

I call your Honor's attention to the fact that the evidence which prompted that inclusion in my statement, and in this proceeding, falls from the lips of the Alien himself.

Now, when the Attorney General was confronted with that evidence that he had been a member of the I.W.W., and associated with the M.W.I.U. and the T.U.U.L., there was, in my opinion, no course that he could pursue but to include them in this statement in this proceeding.

It is perfectly true, your Honor, that at the time the [2671] witness testified those circumstances were not grounds for deportation, but in 1940 in the Act of June 28, I believe it was, 1940, relating to Aliens,

requiring the registration of Aliens, it was provided that former membership in these organizations should be a ground for deportation. That was a matter for the discretion of Congress, with which the Executive Department had nothing to do. I say only this: That that change in the law was evidently obviously compelled by the present emergency, and when the Attorney General is confronted with a state of facts that brings an Alien within the class of deportable Aliens, he has no discrimination or choice in the matter.

That is all, your Honor.

Presiding Inspector: I have already ruled that, assuming all the facts that were stated by counsel, Mrs. King, I still was of the opinion that there was no discrimination and I adhere to that.

I say, I have taken this position and ruled that, assuming the facts that she has stated about the decision of the Department of Labor, assuming those facts to be true without proof, that there still was no discrimination within the meaning of the law, no denial of the equal protection of the law.

Mr. Goodwin: Thank you, your Honor.

Mr. Gladstein: Are you ready to proceed, your Honor?

Presiding Inspector: I think so. [2672]

Mr. Gladstein: Mr. Bernstein, will you please take the stand?